

56:8-95.1 to 56:95.3
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2015 **CHAPTER:** 7

NJSA: 56:8-95.1 to 56:-95.3 (Establishes additional requirements, and penalties for failure to comply, concerning information to be provided to persons purchasing cats or dogs from pet shops)

BILL NO: S1870 (Substituted for A3306)

SPONSOR(S) Holzapfel and others

DATE INTRODUCED: March 27, 2014

COMMITTEE: **ASSEMBLY:** Agricultural and Natural Resources

SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 18, 2014

SENATE: December 18, 2014

DATE OF APPROVAL: February 5, 2015

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second reprint enacted)

S1870

SPONSOR'S STATEMENT: (Begins on page 7 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A3306

SPONSOR'S STATEMENT: (Begins on page 7 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Christie signs law that aims to combat kitten, puppy mills," The Trenton Times, 2-6-15

LAW/KR

P.L.2015, CHAPTER 7, *approved February 5, 2015*
Senate, No. 1870 (*Second Reprint*)

1 AN ACT concerning the sale of cats and dogs, and amending and
2 supplementing P.L.1999, c.336.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ¹1. Section 2 of P.L.1999, c.336 (C.56:8-93) is amended to read
8 as follows:

9 2. As used in **[sections 1 through 5 of this act]** P.L.1999, c.336
10 (C.56:8-92 et al.) ²**[and P.L. _____, c. _____ (C. _____) (pending**
11 **before the Legislature as this bill)]**² :

12 "Animal" means a cat or dog **[;]** .

13 "Breeder" means any person, firm, corporation, or organization
14 in the business of breeding cats or dogs.

15 "Broker" means any person, firm, corporation, or organization
16 who sells a cat or dog to a pet shop, whether or not the broker is
17 also the breeder of the cat or dog.

18 "Consumer" means a person purchasing a cat or dog **[;]** not for
19 the purposes of resale.

20 "Director" means the Director of the Division of Consumer
21 Affairs in the Department of Law and Public Safety **[;]** .

22 "Division" means the Division of Consumer Affairs in the
23 Department of Law and Public Safety **[;]** .

24 "Pet dealer" means any person engaged in the ordinary course of
25 business in the sale of cats or dogs to the public for profit or any
26 person who sells or offers for sale more than five cats or dogs in
27 one year **[;]** .

28 "Pet shop" means a pet shop as defined in section 1 of P.L.1941,
29 c.151 (C.4:19-15.1) **[;]** .

30 "Quarantine" means to hold in segregation from the general
31 population any cat or dog because of the presence or suspected
32 presence of a contagious or infectious disease **[;]** .

33 "Unfit for purchase" means any disease, deformity, injury,
34 physical condition, illness or defect which is congenital or
35 hereditary and severely affects the health of the animal, or which
36 was manifest, capable of diagnosis or likely contracted on or before

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEG committee amendments adopted June 9, 2014.

²Assembly floor amendments adopted December 15, 2014.

1 the sale and delivery of the animal to the consumer. The death of
2 an animal within 14 days of its delivery to the consumer, except by
3 death by accident or as a result of injuries sustained during that
4 period, shall mean the animal was unfit for purchase **;** and **].**

5 "USDA" means the United States Department of Agriculture.

6 "USDA license number" means the license number issued to a
7 breeder or broker by the United States Department of Agriculture
8 pursuant to the federal "Animal Welfare Act," 7 U.S.C. s.2131 et
9 seq., or any rules or regulations adopted pursuant thereto.

10 "Veterinarian" means a veterinarian licensed to practice in the
11 State of New Jersey.¹

12 (cf: P.L.1999, c.336, s.2)

13

14 ²**[1.] 2.**¹ Section 4 of P.L.1999, c.336 (C.56:8-95) is amended
15 to read as follows:

16 4. a. Notwithstanding the provisions of any rule or regulation
17 adopted pursuant to Title 56 of the Revised Statutes as such
18 provisions are applied to pet shops, and without limiting the
19 prosecution of any other practices which may be unlawful pursuant
20 to Title 56 of the Revised Statutes, it shall be a deceptive practice
21 for any owner or operator of a pet shop, or employee thereof, to sell
22 animals within the State without complying with the provisions and
23 requirements of this section ¹and section 3 of P.L. , c. (C.)
24 (pending before the Legislature as this bill)¹ .

25 b. Within five days prior to the offering for sale of any animal,
26 the owner or operator of a pet shop, or employee thereof, shall have
27 the animal examined by a veterinarian licensed to practice in the
28 State. The name and address of the examining veterinarian,
29 together with the findings made and treatment, if any, ordered as a
30 result of the examination, shall be noted on the animal history and
31 health certificate for each animal as required by regulations adopted
32 pursuant to Title 56 of the Revised Statutes. If ¹**[fourteen]** 14¹ days
33 have passed since the last veterinarian examination of the animal,
34 the owner or operator of the pet shop, or employee thereof, shall
35 have the animal reexamined by a veterinarian licensed to practice in
36 the State as provided for in subsection g. of this section, except as
37 otherwise provided in that subsection.

38 c. **[Each cage in a]** Every pet shop **[shall have a label**
39 **identifying the sex and breed of each animal kept in the cage, the**
40 **date and place of birth of each animal, and the]** ¹**[or pet dealer]**¹
41 offering ¹**[cats or dogs]** animals¹ for sale shall post on the cage or
42 enclosure for each ¹**[cat or dog]** animal¹ in the cage or enclosure,
43 in a conspicuous location on the cage or enclosure, a sign declaring:

44 (1) The date and place of birth of each ¹**[cat or dog]** animal¹,
45 and the actual age, or approximate age as established by a
46 veterinarian, of the ¹**[cat or dog]** animal¹;

1 (2) The sex, color markings, and other identifier information of
2 the ¹【cat or dog】 animal¹, including any tag, tattoo, collar number,
3 or microchip information;

4 (3) The name and address of the veterinarian attending to the
5 animal and the date of the initial examination of the animal **【.】**;

6 (4) The first and last name of the breeder ¹of the animal¹, the
7 full street address of where the breeder is doing business, the
8 telephone number of the breeder, and ¹【, if the breeder of the cat or
9 dog is a dealer or breeder licensed by the United States Department
10 of Agriculture (USDA),】¹ the breeder’s USDA license number;

11 (5) ¹The first and last name of the broker of the animal, the full
12 street address of where the broker is doing business, the telephone
13 number of the broker, and the USDA license number of the broker
14 if applicable and different from the USDA license number provided
15 pursuant to paragraph (4) of this subsection;

16 (6)¹ The first and last name of the owner or operator of the pet
17 shop ¹【or pet dealer business】¹, the full street address of where the
18 pet shop ¹【or pet dealer】¹ is incorporated, the telephone number of
19 the transporter or carrier of the ¹【cat or dog】 animal¹, if any or
20 different from the breeder named in paragraph (4) ¹or the broker
21 named in paragraph (5)¹ of this subsection; and

22 ¹【(6) For each cat or dog bred by a USDA licensed dealer or
23 breeder,】 (7) The USDA inspection reports for the prior two years
24 for the breeder and the broker of the animal, and¹ the statement –
25 “View the USDA inspection reports for the breeder for this ¹【cat or
26 dog】 animal and any broker that sold this animal to this pet shop¹
27 by ¹【logging onto [34 The owner or operator of the pet shop ¹【or pet dealer】¹ shall
35 keep this information up-to-date, ensure that the ¹appropriate¹
36 website and contact telephone number are functioning ¹, post the
37 current website and telephone number¹, and make changes to the
38 signage as necessary so that the consumer has access to the correct
39 information at all times.](http://acisearch.aphis.usda.gov/LPASearch/faces/LPASear</u>
28 <u>ch, entering the last name of the breeder, state in which the breeder</u>
29 <u>is doing business, and USDA license number of the breeder, and</u>
30 <u>press search】 contacting the USDA through the Internet¹. You are</u>
31 <u>also entitled to receive information about the breeder’s ¹or</u>
32 <u>broker’s¹ history through the federal Freedom of Information Act</u>
33 <u>¹【by calling (301) 851-4102】¹. Charges may apply.”</u></p></div><div data-bbox=)

40 d. The owner or operator of a pet shop, or employee thereof,
41 shall quarantine any animal diagnosed as suffering from a
42 contagious or infectious disease, illness, or condition and may not
43 sell such an animal until such time as a veterinarian licensed to
44 practice in the State treats the animal and determines that such
45 animal is free of clinical signs of infectious disease or that the

1 animal is fit for sale. All animals required to be quarantined
2 pursuant to this subsection shall be placed in a quarantine area,
3 separated from the general animal population of the pet shop.

4 e. The owner or operator of a pet shop, or designated employee
5 thereof, may inoculate and vaccinate animals prior to purchase only
6 upon the order of a veterinarian. No owner or operator of a pet
7 shop, or employee thereof, may represent, directly or indirectly, that
8 the owner or operator of the pet shop, or any employee thereof,
9 other than a veterinarian, is qualified to, directly or indirectly,
10 diagnose, prognose, treat, or administer for, prescribe any treatment
11 for, operate concerning, manipulate or apply any apparatus or
12 appliance for addressing, any disease, pain, deformity, defect,
13 injury, wound ¹₂ or physical condition of any animal after purchase
14 of the animal, for the prevention of, or to test for, the presence of
15 any disease, pain, deformity, defect, injury, wound ¹₂ or physical
16 condition in an animal after its purchase. These prohibitions
17 include, but are not limited to, the giving of inoculations or
18 vaccinations after purchase, the diagnosing, prescribing ¹₂ and
19 dispensing of medication to animals ¹₂ and the prescribing of any
20 diet or dietary supplement as treatment for any disease, pain,
21 deformity, defect, injury, wound ¹₂ or physical condition.

22 f. The Director of the Division of Consumer Affairs in the
23 Department of Law and Public Safety shall provide each owner or
24 operator of a pet shop with notification forms, to be signed by the
25 owner or operator of the pet shop, or employee thereof, and the
26 consumer at the time of purchase of an animal. The notification
27 form shall provide the following:

28 (1) The full text of the rights and responsibilities provided for in
29 subsection h. of this section;

30 (2) The full text and description of the recourse to which the
31 consumer is entitled pursuant to subsection i. of this section;

32 (3) The statement that it is the responsibility of the consumer to
33 obtain such certification within the required amount of time
34 provided by subsection h. of this section;

35 (4) The full text of the rights and responsibilities of the owner or
36 operator of the pet shop, and the employees thereof, and the
37 consumer provided in subsection l. of this section; ¹**[and]**¹

38 (5) The notification, reporting and enforcement provisions
39 provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the
40 name and address of the local health authority with jurisdiction over
41 the pet shop ¹; and

42 (6) The name, full street address, telephone number, and USDA
43 license number of the breeder of the animal and the broker of the
44 animal, if the broker is different from the breeder, with an
45 attestation by the owner or operator of the pet shop that, as of the
46 date of purchase of the animal by the pet shop, which shall be
47 specified in the attestation, the breeder and the broker of the animal

1 were in compliance with the requirements concerning the
2 maintenance and care of animals and the sanitary operation of
3 kennels, pet shops, shelters and pounds established in rules and
4 regulations adopted pursuant to section 14 of P.L.1941, c.152
5 (C.4:19-15.14), as required pursuant to section 3 of P.L. _____,
6 c. _____ (C. _____) (pending before the Legislature as this bill)¹.

7 The owner or operator of the pet shop, or an employee thereof,
8 shall obtain the signature of the consumer on the form and shall also
9 sign ¹and date¹ the form at the time of purchase of an animal ¹by
10 the consumer¹, and shall provide the consumer with a signed copy
11 of the form and retain a copy of the form on the pet shop premises.
12 Copies of all such notices shall be readily available for inspection
13 by an authorized representative of the Division of Consumer
14 Affairs, upon request. No pet shop owner or operator, or employee
15 thereof, may construe or use the signed notification form required
16 pursuant to this subsection as an abdication of the right to recourse
17 provided for in subsection i., or as a selection of recourse pursuant
18 to subsection k. of this section.

19 g. The owner or operator of a pet shop, or an employee thereof,
20 shall have any animal that has been examined more than 14 days
21 prior to the date of purchase, reexamined by a veterinarian for the
22 purpose of disclosing its condition, within 72 hours of the delivery
23 of the animal to the consumer, unless the consumer has waived the
24 right to the reexamination in writing. The owner or operator of a pet
25 shop, or an employee thereof, shall provide a copy of the written
26 waiver to the consumer prior to the signing of any ¹**[contact]**
27 contract¹ or agreement to purchase the animal and the written
28 waiver shall be in the form established by the director by regulation.

29 h. If at any time within 14 days after the sale and delivery of an
30 animal to a consumer, the animal becomes sick or dies and a
31 veterinarian certifies, within the 14 days after the date of purchase
32 of the animal by the consumer, that the animal is unfit for purchase
33 due to a non-congenital cause or condition, or that the animal died
34 from causes other than an accident, the consumer is entitled to the
35 recourse described in subsection i. of this section.

36 If the animal becomes sick or dies within 180 days after the date
37 of purchase and a veterinarian certifies, within the 180 days after
38 the date of purchase of the animal by the consumer, that the animal
39 is unfit for sale due to a congenital or hereditary cause or condition,
40 or a sickness brought on by a congenital or hereditary cause or
41 condition, or died from such a cause or condition or sickness, the
42 consumer shall be entitled to the recourse provided in subsection i.
43 of this section.

44 It shall be the responsibility of the consumer to obtain such
45 certification within the required amount of time provided by this
46 subsection, unless the owner or operator of the pet shop, or the
47 employee thereof selling the animal to the consumer, fails to
48 provide the notice required pursuant to subsection f. of this section.

1 If the owner or operator of the pet shop, or the employee thereof,
2 fails to provide the required notice, the consumer shall be entitled to
3 the recourse provided for in subsection i. of this section.

4 i. Only the consumer shall have the sole authority to determine
5 the recourse the consumer wishes to select and accept, provided that
6 the recourse selected is one of the following:

7 (1) The right to return the animal and receive a full refund of the
8 purchase price, including sales tax, plus the reimbursement of the
9 veterinary fees, including the cost of the veterinarian certification,
10 incurred prior to the receipt by the consumer of the veterinarian
11 certification;

12 (2) The right to retain the animal and to receive reimbursement
13 for veterinary fees incurred prior to the consumer's receipt of the
14 veterinarian certification, plus the future cost of veterinary fees to
15 be incurred in curing or attempting to cure the animal, including the
16 cost of the veterinarian certification;

17 (3) The right to return the animal and to receive in exchange an
18 animal of the consumer's choice, of equivalent value, plus
19 reimbursement of veterinary fees, including the cost of the
20 veterinarian certification, incurred prior to the consumer's receipt of
21 the veterinarian certification; or

22 (4) In the event of the death of the animal from causes other
23 than an accident, the right to a full refund of the purchase price of
24 the animal, including sales tax, or another animal of the consumer's
25 choice of equivalent value, plus reimbursement of veterinary fees,
26 including the cost of the veterinarian certification, incurred prior to
27 the death of the animal.

28 The consumer shall be entitled to be reimbursed an amount for
29 veterinary fees up to and including two times the purchase price,
30 including sales tax, of the sick or dead animal. No reimbursement
31 of veterinary fees shall exceed two times the purchase price,
32 including sales tax, of the sick or dead animal.

33 j. The veterinarian shall provide to the consumer in writing
34 and within the seven days after the consumer consults with the
35 veterinarian any certification that is appropriate pursuant to this
36 section upon the determination that such certification is appropriate.
37 The certification shall include:

38 (1) The name of the owner;

39 (2) The date or dates of examination;

40 (3) The breed, color, sex ¹, ¹ and age of the animal;

41 (4) A statement of the findings of the veterinarian;

42 (5) A statement that the veterinarian certifies the animal to be
43 "unfit for purchase";

44 (6) An itemized statement of veterinary fees incurred as of the
45 date of certification;

46 (7) If the animal may be curable, an estimate of the possible cost
47 to cure, or attempt to cure, the animal;

1 (8) If the animal has died, a statement establishing the probable
2 cause of death; and

3 (9) The name and address of the certifying veterinarian and the
4 date of the certification.

5 k. Upon the presentation of the veterinarian certification
6 required in subsection j. of this section to the pet shop, the
7 consumer shall select the recourse to be provided and the owner or
8 operator of the pet shop, or the employee thereof, shall confirm the
9 selection of recourse in writing. The confirmation of the selection
10 shall be signed by the owner or operator of the pet shop, or an
11 employee thereof, and the consumer and a copy of the signed
12 confirmation shall be given to the consumer and retained by the
13 owner or operator of the pet shop, or employee thereof, on the pet
14 shop premises. The confirmation of the selection shall be in the
15 form established by the director by regulation.

16 l. The owner or operator of the pet shop, or an employee
17 thereof, shall comply with the selection of recourse by the consumer
18 no later than 10 days after the receipt of the veterinarian
19 certification and the signed confirmation of selection of recourse
20 form. In the event the owner or operator of the pet shop, or an
21 employee thereof, wishes to contest the selection of recourse of the
22 consumer, the owner or operator of the pet shop, or an employee
23 thereof, shall notify the consumer and the director in writing within
24 the five days after the receipt of the veterinarian certification and
25 the signed confirmation of selection of recourse form. After
26 notification to the consumer and the director of the division, the
27 owner or operator of the pet shop, or an employee thereof, may
28 require the consumer to produce the animal for examination by a
29 veterinarian chosen by the owner or operator of the pet shop, or
30 employee thereof, at a mutually convenient time and place, except
31 if the animal has died and was required to be cremated for public
32 health reasons. The director shall set, upon receipt of such notice of
33 contest on the part of the owner or operator of the pet shop, or an
34 employee thereof, a hearing date and hold a hearing, pursuant to the
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
36 seq.) and the Uniform Administrative Procedure Rules adopted
37 pursuant thereto, to determine whether the recourse selected by the
38 consumer should be allowed. The consumer and the owner or
39 operator of the pet shop, or employee thereof, shall be entitled to
40 any appeal of the decision resulting from the hearing as may be
41 provided for under the law, or any rule or regulation adopted
42 pursuant thereto, but upon the exhaustion of such remedies and
43 recourse, the consumer and the owner or operator of the pet shop
44 shall comply with the final decision rendered.

45 m. Any owner or operator of a pet shop, or employee thereof,
46 shall be guilty of a deceptive practice if the owner or operator, or
47 employee thereof, secures or attempts to secure a waiver of any of

1 the provisions of this section except as specifically authorized under
2 subsection g. of this section.

3 n. The owner of a pet shop shall be responsible and liable for
4 any recourse or reimbursement due to a consumer because of
5 violations of any provisions of this section by the owner or operator
6 of the pet shop, or any employee thereof, or because of any
7 document signed pursuant to this section by the owner or operator
8 of the pet shop, or any employee thereof.

9 o. Any pet ¹[dealer] shop¹ in the State advertising for sale ¹[a
10 cat or dog] an animal¹ bred by a USDA licensed breeder through
11 print or electronic means, including those posted on the Internet or a
12 website, shall continuously display the name, state of residence, and
13 USDA license number of the breeder of the ¹[cat or dog] animal¹
14 in the advertisement so that this information is easily legible to the
15 consumer.

16 (cf: P.L.1999, c.336, s.4)]²

17

18 ²2. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read
19 as follows:

20 4. a. Notwithstanding the provisions of any rule or regulation
21 adopted pursuant to Title 56 of the Revised Statutes as such
22 provisions are applied to pet shops, and without limiting the
23 prosecution of any other practices which may be unlawful pursuant
24 to Title 56 of the Revised Statutes, it shall be a deceptive practice
25 for any owner or operator of a pet shop, or employee thereof, to sell
26 animals within the State without complying with the provisions and
27 requirements of this section and section 3 of P.L. , c. (C.)
28 (pending before the Legislature as this bill) .

29 b. Within five days prior to the offering for sale of any animal,
30 the owner or operator of a pet shop, or employee thereof, shall have
31 the animal examined by a veterinarian licensed to practice in the
32 State. The name and address of the examining veterinarian,
33 together with the findings made and treatment, if any, ordered as a
34 result of the examination, shall be noted on the animal history and
35 health certificate for each animal as required by regulations adopted
36 pursuant to Title 56 of the Revised Statutes. If **[fourteen]** 14 days
37 have passed since the last veterinarian examination of the animal,
38 the owner or operator of the pet shop, or employee thereof, shall
39 have the animal reexamined by a veterinarian licensed to practice in
40 the State as provided for in subsection g. of this section, except as
41 otherwise provided in that subsection.

42 c. **[Each cage in a]** Every pet shop **[shall have a label**
43 **identifying the sex and breed of each animal kept in the cage, the**
44 **date and place of birth of each animal, and the]** offering animals for
45 sale shall post, in a conspicuous location on the cage or enclosure
46 for each animal in the cage or enclosure, a sign declaring:

- 1 (1) The date and place of birth of each animal, and the actual
2 age, or approximate age as established by a veterinarian, of the
3 animal;
- 4 (2) The sex, color markings, and other identifying information
5 of the animal, including any tag, tattoo, collar number, or microchip
6 information;
- 7 (3) The name and address of the veterinarian attending to the
8 animal while the animal is in the custody of the pet shop, and the
9 date of the initial examination of the animal ;
- 10 (4) The first and last name of the breeder of the animal, the full
11 street address of where the breeder is doing business, an email
12 address, if available, by which to contact the breeder, the breeder's
13 USDA license number, and, if the breeder is required to be licensed
14 in the state in which the breeder is located, the breeder's state
15 license number;
- 16 (5) If the broker is different from the breeder, the first and last
17 name of the broker of the animal, the full street address of where
18 the broker is doing business, an email address, if available, by
19 which to contact the broker, the USDA license number of the
20 broker, and, if the broker is required to be licensed in the state in
21 which the broker is located, the broker's state license number; and
- 22 (6) The statement "Know Your Rights" in bold type face and no
23 less than 12 point type, followed by the statement in no less than 10
24 point type, "State law requires that every pet shop offering cats or
25 dogs for sale post in a conspicuous location on or near each cat or
26 dog's cage or enclosure the USDA inspection reports for the
27 breeder and broker of each cat or dog for the two years prior to the
28 first day that the cat or dog is offered for sale. If you do not see a
29 required inspection report, please request the report from the pet
30 shop. If you have any concerns, please contact the New Jersey
31 Division of Consumer Affairs, 124 Halsey St., Newark, NJ 07102,
32 (973) 504-6200. You may also view these and other USDA
33 inspection reports for the breeder and broker of each cat or dog on
34 the USDA Animal and Plant Health Inspection Service (APHIS)
35 website. You are entitled to receive additional information from
36 APHIS about the breeder's or broker's history through the federal
37 Freedom of Information Act."
- 38 Every pet shop offering animals for sale shall also post, in a
39 conspicuous location on or near the cage or enclosure for each
40 animal in the cage or enclosure, the USDA inspection reports for
41 the breeder and the broker of the animal for the two years prior to
42 the first day that the animal is offered for sale by the pet shop.
- 43 The owner or operator of the pet shop shall regularly update the
44 information required to be posted pursuant to this subsection and
45 make changes as necessary to all signage required by this
46 subsection so that the public has access to the correct information at
47 all times .

1 d. The owner or operator of a pet shop, or employee thereof,
2 shall quarantine any animal diagnosed as suffering from a
3 contagious or infectious disease, illness, or condition and may not
4 sell such an animal until such time as a veterinarian licensed to
5 practice in the State treats the animal and determines that such
6 animal is free of clinical signs of infectious disease or that the
7 animal is fit for sale. All animals required to be quarantined
8 pursuant to this subsection shall be placed in a quarantine area,
9 separated from the general animal population of the pet shop.

10 e. The owner or operator of a pet shop, or designated employee
11 thereof, may inoculate and vaccinate animals prior to purchase only
12 upon the order of a veterinarian. No owner or operator of a pet
13 shop, or employee thereof, may represent, directly or indirectly, that
14 the owner or operator of the pet shop, or any employee thereof,
15 other than a veterinarian, is qualified to, directly or indirectly,
16 diagnose, prognose, treat, or administer for, prescribe any treatment
17 for, operate concerning, manipulate or apply any apparatus or
18 appliance for addressing, any disease, pain, deformity, defect,
19 injury, wound, or physical condition of any animal after purchase
20 of the animal, for the prevention of, or to test for, the presence of
21 any disease, pain, deformity, defect, injury, wound, or physical
22 condition in an animal after its purchase. These prohibitions
23 include, but are not limited to, the giving of inoculations or
24 vaccinations after purchase, the diagnosing, prescribing, and
25 dispensing of medication to animals, and the prescribing of any diet
26 or dietary supplement as treatment for any disease, pain, deformity,
27 defect, injury, wound, or physical condition.

28 f. The Director of the Division of Consumer Affairs in the
29 Department of Law and Public Safety shall provide each owner or
30 operator of a pet shop with notification forms, to be signed by the
31 owner or operator of the pet shop, or employee thereof, and the
32 consumer at the time of purchase of an animal. The notification
33 form shall provide the following:

34 (1) The full text of the rights and responsibilities provided for in
35 subsection h. of this section;

36 (2) The full text and description of the recourse to which the
37 consumer is entitled pursuant to subsection i. of this section;

38 (3) The statement that it is the responsibility of the consumer to
39 obtain such certification within the required amount of time
40 provided by subsection h. of this section;

41 (4) The full text of the rights and responsibilities of the owner or
42 operator of the pet shop, and the employees thereof, and the
43 consumer provided in subsection l. of this section; **[and]**

44 (5) The notification, reporting and enforcement provisions
45 provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the
46 name and address of the local health authority with jurisdiction over
47 the pet shop;

1 (6) The name, full street address, email address, if available, and
2 USDA license number of the breeder of the animal and the broker
3 of the animal, if the broker is different from the breeder;

4 (7) The breeder's state license number, if the breeder is required
5 to be licensed in the state in which the breeder is located, and, if the
6 broker is different from the breeder and the broker is required to be
7 licensed in the state in which the broker is located, the broker's
8 state license number; and

9 (8) An attestation by the owner or operator of the pet shop that,
10 as of the date of purchase of the animal by the pet shop, which shall
11 be specified in the attestation, the breeder and the broker of the
12 animal were in compliance with the requirements concerning the
13 maintenance and care of animals and the sanitary operation of
14 kennels, pet shops, shelters and pounds established in rules and
15 regulations adopted pursuant to section 14 of P.L.1941, c.151
16 (C.4:19-15.14), as required pursuant to section 3 of P.L. _____,
17 c. (C. _____) (pending before the Legislature as this bill).

18 The owner or operator of the pet shop, or an employee thereof,
19 shall obtain the signature of the consumer on the form and shall also
20 sign and date the form at the time of purchase of an animal by the
21 consumer, and shall provide the consumer with a signed copy of the
22 form and retain a copy of the form on the pet shop premises.
23 Copies of all such notices shall be readily available for inspection
24 by an authorized representative of the Division of Consumer
25 Affairs, upon request. No pet shop owner or operator, or employee
26 thereof, may construe or use the signed notification form required
27 pursuant to this subsection as an abdication of the right to recourse
28 provided for in subsection i., or as a selection of recourse pursuant
29 to subsection k. of this section.

30 g. The owner or operator of a pet shop, or an employee thereof,
31 shall have any animal that has been examined more than 14 days
32 prior to the date of purchase, reexamined by a veterinarian for the
33 purpose of disclosing its condition, within 72 hours of the delivery
34 of the animal to the consumer, unless the consumer has waived the
35 right to the reexamination in writing. The owner or operator of a pet
36 shop, or an employee thereof, shall provide a copy of the written
37 waiver to the consumer prior to the signing of any **[contact]**
38 contract or agreement to purchase the animal and the written waiver
39 shall be in the form established by the director by regulation.

40 h. If at any time within 14 days after the sale and delivery of an
41 animal to a consumer, the animal becomes sick or dies and a
42 veterinarian certifies, within the 14 days after the date of purchase
43 of the animal by the consumer, that the animal is unfit for purchase
44 due to a non-congenital cause or condition, or that the animal died
45 from causes other than an accident, the consumer is entitled to the
46 recourse described in subsection i. of this section.

47 If the animal becomes sick or dies within 180 days after the date
48 of purchase and a veterinarian certifies, within the 180 days after

1 the date of purchase of the animal by the consumer, that the animal
2 is unfit for sale due to a congenital or hereditary cause or condition,
3 or a sickness brought on by a congenital or hereditary cause or
4 condition, or died from such a cause or condition or sickness, the
5 consumer shall be entitled to the recourse provided in subsection i.
6 of this section.

7 It shall be the responsibility of the consumer to obtain such
8 certification within the required amount of time provided by this
9 subsection, unless the owner or operator of the pet shop, or the
10 employee thereof selling the animal to the consumer, fails to
11 provide the notice required pursuant to subsection f. of this section.
12 If the owner or operator of the pet shop, or the employee thereof,
13 fails to provide the required notice, the consumer shall be entitled to
14 the recourse provided for in subsection i. of this section.

15 i. Only the consumer shall have the sole authority to determine
16 the recourse the consumer wishes to select and accept, provided that
17 the recourse selected is one of the following:

18 (1) The right to return the animal and receive a full refund of the
19 purchase price, including sales tax, plus the reimbursement of the
20 veterinary fees, including the cost of the veterinarian certification,
21 incurred prior to the receipt by the consumer of the veterinarian
22 certification;

23 (2) The right to retain the animal and to receive reimbursement
24 for veterinary fees incurred prior to the consumer's receipt of the
25 veterinarian certification, plus the future cost of veterinary fees to
26 be incurred in curing or attempting to cure the animal, including the
27 cost of the veterinarian certification;

28 (3) The right to return the animal and to receive in exchange an
29 animal of the consumer's choice, of equivalent value, plus
30 reimbursement of veterinary fees, including the cost of the
31 veterinarian certification, incurred prior to the consumer's receipt of
32 the veterinarian certification; or

33 (4) In the event of the death of the animal from causes other
34 than an accident, the right to a full refund of the purchase price of
35 the animal, including sales tax, or another animal of the consumer's
36 choice of equivalent value, plus reimbursement of veterinary fees,
37 including the cost of the veterinarian certification, incurred prior to
38 the death of the animal.

39 The consumer shall be entitled to be reimbursed an amount for
40 veterinary fees up to and including two times the purchase price,
41 including sales tax, of the sick or dead animal. No reimbursement
42 of veterinary fees shall exceed two times the purchase price,
43 including sales tax, of the sick or dead animal.

44 j. The veterinarian shall provide to the consumer in writing
45 and within the seven days after the consumer consults with the
46 veterinarian any certification that is appropriate pursuant to this
47 section upon the determination that such certification is appropriate.
48 The certification shall include:

- 1 (1) The name of the owner;
 - 2 (2) The date or dates of examination;
 - 3 (3) The breed, color, sex, and age of the animal;
 - 4 (4) A statement of the findings of the veterinarian;
 - 5 (5) A statement that the veterinarian certifies the animal to be
6 "unfit for purchase";
 - 7 (6) An itemized statement of veterinary fees incurred as of the
8 date of certification;
 - 9 (7) If the animal may be curable, an estimate of the possible cost
10 to cure, or attempt to cure, the animal;
 - 11 (8) If the animal has died, a statement establishing the probable
12 cause of death; and
 - 13 (9) The name and address of the certifying veterinarian and the
14 date of the certification.
- 15 k. Upon the presentation of the veterinarian certification
16 required in subsection j. of this section to the pet shop, the
17 consumer shall select the recourse to be provided and the owner or
18 operator of the pet shop, or the employee thereof, shall confirm the
19 selection of recourse in writing. The confirmation of the selection
20 shall be signed by the owner or operator of the pet shop, or an
21 employee thereof, and the consumer and a copy of the signed
22 confirmation shall be given to the consumer and retained by the
23 owner or operator of the pet shop, or employee thereof, on the pet
24 shop premises. The confirmation of the selection shall be in the
25 form established by the director by regulation.
- 26 l. The owner or operator of the pet shop, or an employee
27 thereof, shall comply with the selection of recourse by the consumer
28 no later than 10 days after the receipt of the veterinarian
29 certification and the signed confirmation of selection of recourse
30 form. In the event the owner or operator of the pet shop, or an
31 employee thereof, wishes to contest the selection of recourse of the
32 consumer, the owner or operator of the pet shop, or an employee
33 thereof, shall notify the consumer and the director in writing within
34 the five days after the receipt of the veterinarian certification and
35 the signed confirmation of selection of recourse form. After
36 notification to the consumer and the director of the division, the
37 owner or operator of the pet shop, or an employee thereof, may
38 require the consumer to produce the animal for examination by a
39 veterinarian chosen by the owner or operator of the pet shop, or
40 employee thereof, at a mutually convenient time and place, except
41 if the animal has died and was required to be cremated for public
42 health reasons. The director shall set, upon receipt of such notice of
43 contest on the part of the owner or operator of the pet shop, or an
44 employee thereof, a hearing date and hold a hearing, pursuant to the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
46 seq.) and the Uniform Administrative Procedure Rules adopted
47 pursuant thereto, to determine whether the recourse selected by the
48 consumer should be allowed. The consumer and the owner or

1 operator of the pet shop, or employee thereof, shall be entitled to
2 any appeal of the decision resulting from the hearing as may be
3 provided for under the law, or any rule or regulation adopted
4 pursuant thereto, but upon the exhaustion of such remedies and
5 recourse, the consumer and the owner or operator of the pet shop
6 shall comply with the final decision rendered.

7 m. Any owner or operator of a pet shop, or employee thereof,
8 shall be guilty of a deceptive practice if the owner or operator, or
9 employee thereof, secures or attempts to secure a waiver of any of
10 the provisions of this section except as specifically authorized under
11 subsection g. of this section.

12 n. The owner of a pet shop shall be responsible and liable for
13 any recourse or reimbursement due to a consumer because of
14 violations of any provisions of this section by the owner or operator
15 of the pet shop, or any employee thereof, or because of any
16 document signed pursuant to this section by the owner or operator
17 of the pet shop, or any employee thereof.

18 o. Any pet shop in the State advertising for sale an animal bred
19 by a USDA licensed breeder through print or electronic means,
20 including those posted on the Internet or a website, shall
21 continuously display the name, state of residence, and USDA
22 license number of the breeder of the animal in the advertisement so
23 that this information is easily legible to the consumer.²

24 (cf: P.L.1999, c.336, s.4)

25

26 ²[¹3. (New section) a. No pet shop shall sell or offer for sale,
27 or purchase for resale, any animal purchased from any breeder or
28 broker who:

29 (1) is not in compliance with the requirements concerning the
30 maintenance and care of animals and the sanitary operation of
31 kennels, pet shops, shelters and pounds established in rules and
32 regulations adopted pursuant to section 14 of P.L.1941, c.152
33 (C.4:19-15.14) at the time of purchase of the animal by the pet
34 shop;

35 (2) is not in possession of a current license issued by the USDA
36 under 9 C.F.R. s.1.1 et seq., or by any applicable state agency;

37 (3) has been cited on a USDA inspection report for a direct
38 violation of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et
39 seq., or the corresponding federal animal welfare regulations at 9
40 C.F.R. s.1.1 et seq., during the two-year period prior to the purchase
41 of the animal by the pet shop;

42 (4) has been cited on a USDA inspection report during the two-
43 year period prior to the purchase of the animal by the pet shop for
44 three or more indirect violations of the federal "Animal Welfare
45 Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal
46 welfare regulations at 9 C.F.R. s.1.1 et seq., that pertain to the
47 health and welfare of the animal, but indirect violations of an
48 administrative nature shall not apply;

1 (5) is cited on the two most recent USDA inspection reports
2 prior to the purchase of the animal by the pet shop for no-access
3 violations pursuant to enforcement of the federal “Animal Welfare
4 Act,” 7 U.S.C. s.2131 et seq., or the corresponding federal animal
5 welfare regulations at 9 C.F.R. s.1.1 et seq.; or

6 (6) directly or indirectly obtained an animal from a breeder,
7 broker, or other person, firm, corporation, or organization to whom
8 paragraph (1), (2), (3), (4), or (5) of this subsection applies.

9 b. Nothing in this subsection shall be construed as prohibiting
10 or otherwise preventing a pet shop from:

11 (1) purchasing for resale or adoption, selling, or offering for
12 adoption, an animal purchased or otherwise obtained from a
13 publicly operated animal control facility, an animal rescue
14 organization or pound as defined in section 1 of P.L.1941, c.151
15 (C.4:19-15.1), or a shelter as defined in that section of law whose
16 primary mission and practice is the placement of abandoned,
17 unwanted, neglected, or abused animals and that is also a tax
18 exempt organization under paragraph (3) of subsection (c) of
19 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),
20 or any subsequent corresponding sections of the federal Internal
21 Revenue Code, as from time to time amended; or

22 (2) transferring adopted animals to or from any entity
23 enumerated in paragraph (1) of this subsection to or from any pet
24 shop.

25 c. Every pet shop shall submit, annually and no later than May
26 1 of each year, a report to the municipality in which it is located and
27 licensed, providing:

28 (1) the name, full street address, telephone number, and USDA
29 license number of –

30 (a) the breeder of each animal offered for sale by the pet shop,

31 (b) any broker from whom the pet shop purchased an animal;

32 and

33 (c) each person, firm, corporation, or organization who
34 purchased or sold for the purposes of resale each animal offered for
35 sale by the pet shop in the lifetime of the animal; and

36 (2) the total number of animals purchased from each breeder
37 and broker.¹²

38
39 ²3. (New section) a. No pet shop shall sell or offer for sale, or
40 purchase for resale whether or not actually offered for sale by the
41 pet shop, any animal purchased from any breeder or broker who:

42 (1) is not in compliance with the requirements concerning the
43 maintenance and care of animals and the sanitary operation of
44 kennels, pet shops, shelters and pounds established in rules and
45 regulations adopted pursuant to section 14 of P.L.1941, c.151
46 (C.4:19-15.14) at the time of purchase of the animal by the pet
47 shop;

1 (2) is not in possession of a current license issued by the USDA
2 pursuant to 9 C.F.R. s.1.1 et seq.;

3 (3) is not in possession of all other licenses required for a
4 breeder or broker by the state in which the breeder or broker is
5 located;

6 (4) has been cited on a USDA inspection report for a direct
7 violation of the federal “Animal Welfare Act,” 7 U.S.C. s.2131 et
8 seq., or the corresponding federal animal welfare regulations at 9
9 C.F.R. s.1.1 et seq., during the two-year period prior to the purchase
10 of the animal by the pet shop;

11 (5) has been cited on a USDA inspection report during the two-
12 year period prior to the purchase of the animal by the pet shop for
13 three or more indirect violations of the federal “Animal Welfare
14 Act,” 7 U.S.C. s.2131 et seq., or the corresponding federal animal
15 welfare regulations at sections 2.4, 2.40, 2.50 through 2.55, 2.60,
16 2.75 through 2.80, 2.130 through 2.132, 3.1 through 3.19, or 3.125
17 through 3.142 of Title 9 of the Code of Federal Regulations;

18 (6) is cited on the two most recent USDA inspection reports
19 prior to the purchase of the animal by the pet shop for no-access
20 violations pursuant to enforcement of the federal “Animal Welfare
21 Act,” 7 U.S.C. s.2131 et seq., or the corresponding federal animal
22 welfare regulations at 9 C.F.R. s.1.1 et seq.; or

23 (7) directly or indirectly obtained the animal from a breeder,
24 broker, or other person, firm, corporation, or organization to whom
25 paragraph (1), (2), (3), (4), (5), or (6) of this subsection applies.

26 b. Nothing in this subsection shall be construed as prohibiting
27 or otherwise preventing a pet shop from:

28 (1) purchasing for resale or adoption, selling, or offering for
29 adoption, an animal purchased or otherwise obtained from –

30 (a) a publicly operated animal control facility,

31 (b) an animal rescue organization or pound as defined in section
32 1 of P.L.1941, c.151 (C.4:19-15.1), or

33 (c) a shelter as defined in section 1 of P.L.1941, c.151 (C.4:19-
34 15.1) whose primary mission and practice is the placement of
35 abandoned, unwanted, neglected, or abused animals and that is also
36 a tax exempt organization under paragraph (3) of subsection (c) of
37 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),
38 or any subsequent corresponding sections of the federal Internal
39 Revenue Code, as from time to time amended; or

40 (2) transferring adopted animals to or from any entity
41 enumerated in paragraph (1) of this subsection or to or from any pet
42 shop.

43 c. Every pet shop shall submit, annually and no later than May
44 1 of each year, a report to the municipality in which it is located and
45 licensed, providing:

46 (1) the name, full street address, email address, if available, and
47 USDA license number of –

- 1 (a) any breeder from which the pet shop purchased an animal,
 2 whether or not the pet shop offered the animal for sale,
 3 (b) any breeder that bred an animal that the pet shop purchased
 4 from a broker, whether or not the pet shop offered the animal for
 5 sale, and
 6 (c) any broker from which the pet shop purchased an animal,
 7 whether or not the pet shop offered the animal for sale;
 8 (2) if a breeder whose identity the pet shop is required to report
 9 pursuant to subparagraph (a) or (b) of paragraph (1) of this
 10 subsection is required to be licensed in the state in which the
 11 breeder is located, the breeder's state license number;
 12 (3) if a broker whose identity the pet shop is required to report
 13 pursuant to subparagraph (c) of paragraph (1) of this subsection is
 14 different from any breeder whose identity the pet shop is required to
 15 report pursuant to subparagraphs (a) or (b) of paragraph (1) of this
 16 subsection, and the broker is required to be licensed in the state in
 17 which the broker is located, the broker's state license number; and
 18 (4) the total number of animals for each breeder and broker for
 19 which the pet shop has reporting requirements pursuant to
 20 subparagraphs (a), (b), and (c) of paragraph (1) of this subsection.²

21
 22 ¹4. (New section) No provision of P.L. , c. (C.)
 23 (pending before the Legislature as this bill) shall be construed to
 24 limit or restrict any municipality, county, ²local health agency,² or
 25 municipal or county board of health from enacting or enforcing, or
 26 interfere with the implementation of, or otherwise invalidate, any
 27 law, ordinance, rule, or regulation that places additional
 28 ²obligations on pet shops or² restrictions on pet shops or pet ²shop²
 29 sales.¹

30
 31 ¹[2.] ^{5.}¹ (New section) Any person ²[violating] who violates²
 32 subsection c. of section 4 of P.L.1999, c.336 (C.56:8-95) ¹or section
 33 3 of P.L. , c. (C.) (pending before the Legislature as this bill)¹
 34 ², and any owner or operator who fails to provide information or
 35 provides false information pursuant to the requirements of
 36 subsection f. of section 4 of P.L.1999, c.336 (C.56:8-95),² shall be
 37 subject to a fine of \$500 for each violation, to be collected by the
 38 division in a civil action by a summary proceeding under the
 39 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
 40 et seq).

41
 42 ¹[3.] ^{6.}¹ This act shall take effect ²[immediately] on the first
 43 day of the fourth month following the date of enactment².

S1870 [2R]

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6

Establishes additional requirements, and penalties for failure to
comply, concerning information to be provided to persons
purchasing cats or dogs from pet shops.

SENATE, No. 1870

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 27, 2014

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Co-Sponsored by:

Senators Bateman, T.Kean and Stack

SYNOPSIS

Establishes additional requirements, and penalties for failure to comply, concerning information to be provided to persons purchasing cats or dogs from pet shops or pet dealers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/3/2014)

1 AN ACT concerning the sale of cats and dogs, and amending and
2 supplementing P.L.1999, c.336.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read
8 as follows:

9 4. a. Notwithstanding the provisions of any rule or regulation
10 adopted pursuant to Title 56 of the Revised Statutes as such
11 provisions are applied to pet shops, and without limiting the
12 prosecution of any other practices which may be unlawful pursuant
13 to Title 56 of the Revised Statutes, it shall be a deceptive practice
14 for any owner or operator of a pet shop, or employee thereof, to sell
15 animals within the State without complying with the provisions and
16 requirements of this section.

17 b. Within five days prior to the offering for sale of any animal,
18 the owner or operator of a pet shop, or employee thereof, shall have
19 the animal examined by a veterinarian licensed to practice in the
20 State. The name and address of the examining veterinarian,
21 together with the findings made and treatment, if any, ordered as a
22 result of the examination, shall be noted on the animal history and
23 health certificate for each animal as required by regulations adopted
24 pursuant to Title 56 of the Revised Statutes. If fourteen days have
25 passed since the last veterinarian examination of the animal, the
26 owner or operator of the pet shop, or employee thereof, shall have
27 the animal reexamined by a veterinarian licensed to practice in the
28 State as provided for in subsection g. of this section, except as
29 otherwise provided in that subsection.

30 c. **【Each cage in a】** Every pet shop **【shall have a label**
31 identifying the sex and breed of each animal kept in the cage, the
32 date and place of birth of each animal, and the**】** or pet dealer
33 offering cats or dogs for sale shall post on the cage or enclosure for
34 each cat or dog in the cage or enclosure, in a conspicuous location
35 on the cage or enclosure, a sign declaring:

36 (1) The date and place of birth of each cat or dog, and the actual
37 age, or approximate age as established by a veterinarian, of the cat
38 or dog;

39 (2) The sex, color markings, and other identifier information of
40 the cat or dog, including any tag, tattoo, collar number, or
41 microchip information;

42 (3) The name and address of the veterinarian attending to the
43 animal and the date of the initial examination of the animal **【.】** ;

44 (4) The first and last name of the breeder, the full street address
45 of where the breeder is doing business, the telephone number of the

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 breeder, and, if the breeder of the cat or dog is a dealer or breeder
2 licensed by the United States Department of Agriculture (USDA),
3 the breeder's USDA license number;

4 (5) The first and last name of the owner or operator of the pet
5 shop or pet dealer business, the full street address of where the pet
6 shop or pet dealer is incorporated, the telephone number of the
7 transporter or carrier of the cat or dog, if any or different from the
8 breeder named in paragraph (4) of this subsection; and

9 (6) For each cat or dog bred by a USDA licensed dealer or
10 breeder, the statement – “View the USDA inspection reports for the
11 breeder for this cat or dog by logging onto
12 <http://acissearch.aphis.usda.gov/LPASearch/faces/LPASearch>,
13 entering the last name of the breeder, state in which the breeder is
14 doing business, and USDA license number of the breeder, and press
15 search. You are also entitled to receive information about the
16 breeder's history through the federal Freedom of Information Act
17 by calling (301) 851-4102. Charges may apply.”

18 The owner or operator of the pet shop or pet dealer shall keep
19 this information up-to-date, ensure that the website and contact
20 telephone number are functioning, and make changes to the signage
21 as necessary so that the consumer has access to the correct
22 information at all times.

23 d. The owner or operator of a pet shop, or employee thereof,
24 shall quarantine any animal diagnosed as suffering from a
25 contagious or infectious disease, illness, or condition and may not
26 sell such an animal until such time as a veterinarian licensed to
27 practice in the State treats the animal and determines that such
28 animal is free of clinical signs of infectious disease or that the
29 animal is fit for sale. All animals required to be quarantined
30 pursuant to this subsection shall be placed in a quarantine area,
31 separated from the general animal population of the pet shop.

32 e. The owner or operator of a pet shop, or designated employee
33 thereof, may inoculate and vaccinate animals prior to purchase only
34 upon the order of a veterinarian. No owner or operator of a pet
35 shop, or employee thereof, may represent, directly or indirectly, that
36 the owner or operator of the pet shop, or any employee thereof,
37 other than a veterinarian, is qualified to, directly or indirectly,
38 diagnose, prognose, treat, or administer for, prescribe any treatment
39 for, operate concerning, manipulate or apply any apparatus or
40 appliance for addressing, any disease, pain, deformity, defect,
41 injury, wound or physical condition of any animal after purchase of
42 the animal, for the prevention of, or to test for, the presence of any
43 disease, pain, deformity, defect, injury, wound or physical condition
44 in an animal after its purchase. These prohibitions include, but are
45 not limited to, the giving of inoculations or vaccinations after
46 purchase, the diagnosing, prescribing and dispensing of medication
47 to animals and the prescribing of any diet or dietary supplement as

1 treatment for any disease, pain, deformity, defect, injury, wound or
2 physical condition.

3 f. The Director of the Division of Consumer Affairs in the
4 Department of Law and Public Safety shall provide each owner or
5 operator of a pet shop with notification forms, to be signed by the
6 owner or operator of the pet shop, or employee thereof, and the
7 consumer at the time of purchase of an animal. The notification
8 form shall provide the following:

9 (1) The full text of the rights and responsibilities provided for in
10 subsection h. of this section;

11 (2) The full text and description of the recourse to which the
12 consumer is entitled pursuant to subsection i. of this section;

13 (3) The statement that it is the responsibility of the consumer to
14 obtain such certification within the required amount of time
15 provided by subsection h. of this section;

16 (4) The full text of the rights and responsibilities of the owner or
17 operator of the pet shop, and the employees thereof, and the
18 consumer provided in subsection l. of this section; and

19 (5) The notification, reporting and enforcement provisions
20 provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the
21 name and address of the local health authority with jurisdiction over
22 the pet shop.

23 The owner or operator of the pet shop, or an employee thereof,
24 shall obtain the signature of the consumer on the form and shall also
25 sign the form at the time of purchase of an animal, and shall provide
26 the consumer with a signed copy of the form and retain a copy of
27 the form on the pet shop premises. Copies of all such notices shall
28 be readily available for inspection by an authorized representative
29 of the Division of Consumer Affairs, upon request. No pet shop
30 owner or operator, or employee thereof, may construe or use the
31 signed notification form required pursuant to this subsection as an
32 abdication of the right to recourse provided for in subsection i., or
33 as a selection of recourse pursuant to subsection k. of this section.

34 g. The owner or operator of a pet shop, or an employee thereof,
35 shall have any animal that has been examined more than 14 days
36 prior to the date of purchase, reexamined by a veterinarian for the
37 purpose of disclosing its condition, within 72 hours of the delivery
38 of the animal to the consumer, unless the consumer has waived the
39 right to the reexamination in writing. The owner or operator of a pet
40 shop, or an employee thereof, shall provide a copy of the written
41 waiver to the consumer prior to the signing of any contact or
42 agreement to purchase the animal and the written waiver shall be in
43 the form established by the director by regulation.

44 h. If at any time within 14 days after the sale and delivery of an
45 animal to a consumer, the animal becomes sick or dies and a
46 veterinarian certifies, within the 14 days after the date of purchase
47 of the animal by the consumer, that the animal is unfit for purchase
48 due to a non-congenital cause or condition, or that the animal died

1 from causes other than an accident, the consumer is entitled to the
2 recourse described in subsection i. of this section.

3 If the animal becomes sick or dies within 180 days after the date
4 of purchase and a veterinarian certifies, within the 180 days after
5 the date of purchase of the animal by the consumer, that the animal
6 is unfit for sale due to a congenital or hereditary cause or condition,
7 or a sickness brought on by a congenital or hereditary cause or
8 condition, or died from such a cause or condition or sickness, the
9 consumer shall be entitled to the recourse provided in subsection i.
10 of this section.

11 It shall be the responsibility of the consumer to obtain such
12 certification within the required amount of time provided by this
13 subsection, unless the owner or operator of the pet shop, or the
14 employee thereof selling the animal to the consumer, fails to
15 provide the notice required pursuant to subsection f. of this section.
16 If the owner or operator of the pet shop, or the employee thereof,
17 fails to provide the required notice, the consumer shall be entitled to
18 the recourse provided for in subsection i. of this section.

19 i. Only the consumer shall have the sole authority to determine
20 the recourse the consumer wishes to select and accept, provided that
21 the recourse selected is one of the following:

22 (1) The right to return the animal and receive a full refund of the
23 purchase price, including sales tax, plus the reimbursement of the
24 veterinary fees, including the cost of the veterinarian certification,
25 incurred prior to the receipt by the consumer of the veterinarian
26 certification;

27 (2) The right to retain the animal and to receive reimbursement
28 for veterinary fees incurred prior to the consumer's receipt of the
29 veterinarian certification, plus the future cost of veterinary fees to
30 be incurred in curing or attempting to cure the animal, including the
31 cost of the veterinarian certification;

32 (3) The right to return the animal and to receive in exchange an
33 animal of the consumer's choice, of equivalent value, plus
34 reimbursement of veterinary fees, including the cost of the
35 veterinarian certification, incurred prior to the consumer's receipt of
36 the veterinarian certification; or

37 (4) In the event of the death of the animal from causes other
38 than an accident, the right to a full refund of the purchase price of
39 the animal, including sales tax, or another animal of the consumer's
40 choice of equivalent value, plus reimbursement of veterinary fees,
41 including the cost of the veterinarian certification, incurred prior to
42 the death of the animal.

43 The consumer shall be entitled to be reimbursed an amount for
44 veterinary fees up to and including two times the purchase price,
45 including sales tax, of the sick or dead animal. No reimbursement
46 of veterinary fees shall exceed two times the purchase price,
47 including sales tax, of the sick or dead animal.

- 1 j. The veterinarian shall provide to the consumer in writing
2 and within the seven days after the consumer consults with the
3 veterinarian any certification that is appropriate pursuant to this
4 section upon the determination that such certification is appropriate.
5 The certification shall include:
- 6 (1) The name of the owner;
 - 7 (2) The date or dates of examination;
 - 8 (3) The breed, color, sex and age of the animal;
 - 9 (4) A statement of the findings of the veterinarian;
 - 10 (5) A statement that the veterinarian certifies the animal to be
11 "unfit for purchase";
 - 12 (6) An itemized statement of veterinary fees incurred as of the
13 date of certification;
 - 14 (7) If the animal may be curable, an estimate of the possible cost
15 to cure, or attempt to cure, the animal;
 - 16 (8) If the animal has died, a statement establishing the probable
17 cause of death; and
 - 18 (9) The name and address of the certifying veterinarian and the
19 date of the certification.
- 20 k. Upon the presentation of the veterinarian certification
21 required in subsection j. of this section to the pet shop, the
22 consumer shall select the recourse to be provided and the owner or
23 operator of the pet shop, or the employee thereof, shall confirm the
24 selection of recourse in writing. The confirmation of the selection
25 shall be signed by the owner or operator of the pet shop, or an
26 employee thereof, and the consumer and a copy of the signed
27 confirmation shall be given to the consumer and retained by the
28 owner or operator of the pet shop, or employee thereof, on the pet
29 shop premises. The confirmation of the selection shall be in the
30 form established by the director by regulation.
- 31 l. The owner or operator of the pet shop, or an employee
32 thereof, shall comply with the selection of recourse by the consumer
33 no later than 10 days after the receipt of the veterinarian
34 certification and the signed confirmation of selection of recourse
35 form. In the event the owner or operator of the pet shop, or an
36 employee thereof, wishes to contest the selection of recourse of the
37 consumer, the owner or operator of the pet shop, or an employee
38 thereof, shall notify the consumer and the director in writing within
39 the five days after the receipt of the veterinarian certification and
40 the signed confirmation of selection of recourse form. After
41 notification to the consumer and the director of the division, the
42 owner or operator of the pet shop, or an employee thereof, may
43 require the consumer to produce the animal for examination by a
44 veterinarian chosen by the owner or operator of the pet shop, or
45 employee thereof, at a mutually convenient time and place, except
46 if the animal has died and was required to be cremated for public
47 health reasons. The director shall set, upon receipt of such notice of
48 contest on the part of the owner or operator of the pet shop, or an

1 employee thereof, a hearing date and hold a hearing, pursuant to the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.) and the Uniform Administrative Procedure Rules adopted
4 pursuant thereto, to determine whether the recourse selected by the
5 consumer should be allowed. The consumer and the owner or
6 operator of the pet shop, or employee thereof, shall be entitled to
7 any appeal of the decision resulting from the hearing as may be
8 provided for under the law, or any rule or regulation adopted
9 pursuant thereto, but upon the exhaustion of such remedies and
10 recourse, the consumer and the owner or operator of the pet shop
11 shall comply with the final decision rendered.

12 m. Any owner or operator of a pet shop, or employee thereof,
13 shall be guilty of a deceptive practice if the owner or operator, or
14 employee thereof, secures or attempts to secure a waiver of any of
15 the provisions of this section except as specifically authorized under
16 subsection g. of this section.

17 n. The owner of a pet shop shall be responsible and liable for
18 any recourse or reimbursement due to a consumer because of
19 violations of any provisions of this section by the owner or operator
20 of the pet shop, or any employee thereof, or because of any
21 document signed pursuant to this section by the owner or operator
22 of the pet shop, or any employee thereof.

23 o. Any pet dealer in the State advertising for sale a cat or dog
24 bred by a USDA licensed breeder through print or electronic means,
25 including those posted on the Internet or a website, shall
26 continuously display the name, state or residence, and USDA
27 license number of the breeder of the cat or dog in the advertisement
28 so that this information is easily legible to the consumer.

29 (cf: P.L.1999, c.336, s.4)

30

31 2. (New section) Any person violating subsection c. of section
32 4 of P.L.1999, c.336 (C.56:8-95) shall be subject to a fine of \$500
33 for each violation, to be collected by the division in a civil action by
34 a summary proceeding under the "Penalty Enforcement Law of
35 1999," P.L.1999, c.274 (C.2A:58-10 et seq).

36

37 3. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 The bill establishes additional requirements under the "Pet
43 Purchase Protection Act" to provide breeder information to the
44 consumer about each cat or dog being offered for sale. The bill
45 requires this information to be posted on each cage or enclosure in a
46 pet shop or pet dealer premises and in Internet and print
47 advertisements. The bill also requires the posting of directions for
48 accessing electronically the United States Department of

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8

- 1 Agriculture (USDA) inspection reports for breeders licensed by the
- 2 USDA. The bill establishes a \$500 penalty for failure to comply
- 3 with these requirements.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 1870

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2014

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 1870.

As amended and reported, the bill establishes additional requirements under the Pet Purchase Protection Act to provide breeder information to the consumer about each cat or dog being offered for sale in a pet shop. The bill requires this information to be posted on each cage or enclosure in a pet shop and in Internet and print advertisements. The Pet Purchase Protection Act defines “animal” as a cat or a dog and therefore “animal” refers to cats or dogs throughout the bill.

More specifically, the bill also requires the posting of the United States Department of Agriculture (USDA) inspection reports for the breeder and the broker of the animal for the prior two years, and the statement: “View the USDA inspection reports for the breeder for this animal and any broker that sold animal to this pet shop by contacting the USDA through the Internet. You are also entitled to receive information about the breeder’s or broker’s history through the federal Freedom of Information Act. Charges may apply.” Under the bill, the owner or operator of the pet shop is also required to keep this information up-to-date, ensure that the appropriate website and contact telephone number are functioning, post the current website and telephone number, and make changes to the signage as necessary so that the consumer has access to the correct information at all times.

The bill further prohibits any pet shop from selling or offering for sale, or purchasing for resale, any animal purchased from any breeder or broker to whom specific items enumerated under subsection a. of section 3 of the bill apply. However, the bill provides that this prohibition does not affect the pet shop buying, selling, or offering for adoption any animal from, or transferring any animal to or from, publicly operated animal control facilities, animal rescue organizations or pounds, or shelters that are tax exempt organizations with the primary mission and practice of placing abandoned, unwanted, neglected or abused animals.

Furthermore, the bill requires each pet shop to report annually no later than May 1 certain information concerning purchase of animals

by the pet shop and the breeders and brokers it deals with, as enumerated in subsection c. of section 3 of the bill. Finally, the bill specifies that additional local restrictions on pet shops or pet sales may be imposed and enforced locally, and the bill establishes a \$500 penalty for failure to comply with the requirements and prohibitions established under the bill.

The committee amended the bill to: 1) require each pet shop to post on each animal's cage or enclosure the last two USDA inspection reports for the breeder and the broker of the animal; 2) remove the statutory reference to the specific website and instructions on accessing it but require the owner to post website, make sure it is working, and keep signage current for consumers; 3) require the owner or operator of the pet shop to attest to the consumer that the breeder and broker of the animal were in compliance with the maintenance and care of animals and the sanitary operation of kennels, pet shops, shelters and pounds established by State law and regulations at the time the pet shop purchased the animal from the breeder or broker; 4) establish a prohibition for any pet shop to sell, offer for sale, or purchase for resale an animal from a breeder or broker who – a) is not in compliance at the time of purchase of the animal by the pet shop with the requirements concerning the maintenance and care of animals and the sanitary operation of kennels, pet shops, shelters and pounds established under State law and regulations; b) is not in possession of a current license issued by the USDA or by any applicable state agency; c) has been cited on a USDA inspection report for a direct violation of the federal “Animal Welfare Act,” or the corresponding federal animal welfare regulations, during the two-year period prior to the purchase of the animal by the pet shop; d) has been cited on a USDA inspection report during the two-year period prior to the purchase of the animal by the pet shop for three or more indirect violations of that federal law, not including administrative indirect violations; e) is cited on the two most recent USDA inspection reports prior to the purchase of the animal by the pet shop for no-access violations pursuant to enforcement of that federal law; or f) directly or indirectly obtained an animal from a breeder, broker, or other person, firm, corporation, or organization to whom any of the stipulations of a) through e) apply; 5) clarify that the prohibition does not apply to buying, selling, or offering for adoption animals from, or transferring animals to or from, publicly operated animal control facilities, animal rescue organizations, pounds, shelters whose primary mission and practice is the placement of abandoned, unwanted, neglected or abused animals and are also federal tax exempt organizations; 6) require each pet shop to annually report the name, address, telephone number, and USDA license number of the breeder of each animal offered for sale by the pet shop, any broker from whom the pet shop purchased an animal, and each person, firm, corporation, or organization who purchased or sold for the purposes of resale each animal offered for

sale by the pet shop in the lifetime of the cat or dog; 7) require each pet shop to annually report the total number of animals purchased from each breeder and broker; 8) specify that the bill does not prevent additional local restrictions on pet shops or pet sales from being imposed and enforced locally; and 9) make a reference and spelling correction.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

[First Reprint]
SENATE, No. 1870

STATE OF NEW JERSEY

DATED: SEPTEMBER 22, 2014

The Assembly Agriculture and Natural Resources Committee reports favorably Senate Bill No. 1870 (1R).

The bill establishes additional requirements under the “Pet Purchase Protection Act” to provide breeder information to the consumer about each cat or dog being offered for sale in a pet shop. The bill requires this information to be posted on each cage or enclosure in a pet shop and in Internet and print advertisements. The “Pet Purchase Protection Act” defines “animal” as a cat or a dog and therefore the term “animal” refers to cats or dogs throughout the bill.

More specifically, the bill requires the posting of the United States Department of Agriculture (USDA) inspection reports for the breeder and the broker of the animal for the prior two years, and the statement: “View the USDA inspection reports for the breeder for this animal and any broker that sold this animal to this pet shop by contacting the USDA through the Internet. You are also entitled to receive information about the breeder’s or broker’s history through the federal Freedom of Information Act. Charges may apply.” Under the bill, the owner or operator of the pet shop is also required to keep this information up-to-date, ensure that the appropriate website and contact telephone number are functioning, post the current website and telephone number, and make changes to the signage as necessary so that the consumer has access to the correct information at all times.

The bill further prohibits any pet shop from selling or offering for sale, or purchasing for resale, any animal purchased from any breeder or broker to whom specific items enumerated under subsection a. of section 3 of the bill apply. However, the bill provides that this prohibition does not affect the pet shop buying, selling, or offering for adoption any animal from, or transferring any animal to or from, publicly operated animal control facilities, animal rescue organizations or pounds, or shelters that are tax exempt organizations with the primary mission and practice of placing abandoned, unwanted, neglected, or abused animals.

Furthermore, the bill requires each pet shop to report annually no later than May 1 certain information concerning the purchase of

animals by the pet shop and the breeders and brokers it deals with, as enumerated in subsection c. of section 3 of the bill. Finally, the bill specifies that additional local restrictions on pet shops or pet sales may be imposed and enforced locally, and the bill establishes a \$500 penalty for failure to comply with the requirements and prohibitions established under the bill.

The bill is identical to Assembly Bill No. 3306 as amended and also reported by the committee.

STATEMENT TO
[First Reprint]
SENATE, No. 1870

with Assembly Floor Amendments
(Proposed by Assemblyman MCGUCKIN)

ADOPTED: DECEMBER 15, 2014

These floor amendments would:

(1) clarify and expand the information a pet shop must provide on the sign it posts on cages and enclosures for animals pursuant to subsection c. of section 2 of the bill;

(2) clarify and expand the information contained in the notification form provided by the Division of Consumer Affairs to each owner or operator of a pet shop pursuant to subsection f. of section 2 of the bill;

(3) specify that the prohibition in subsection a. of section 3 of the bill on purchasing an animal for resale in certain circumstances applies whether or not the animal is actually offered for sale by the pet shop;

(4) clarify the circumstances under which a pet shop may not sell, offer for sale, or purchase for resale certain animals;

(5) clarify the information that must be provided on the annual report pet shops must submit to municipalities pursuant to subsection c. of section 3 of the bill;

(6) specify that the bill does not limit municipalities, counties, local health agencies, or municipal or county boards of health from placing additional obligations on pet shops, or restrictions on pet shop sales;

(7) specify that any owner or operator who fails to provide information or provides false information pursuant to requirements of the “Pet Purchase Protection Act,” shall be subject to the \$500 fine established in section 5 of this bill;

(8) change the effective date to the first day of the fourth month following the date of enactment; and

(9) make other clarifying and technical corrections to the bill.

ASSEMBLY, No. 3306

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 5, 2014

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman SEAN T. KEAN

District 30 (Monmouth and Ocean)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

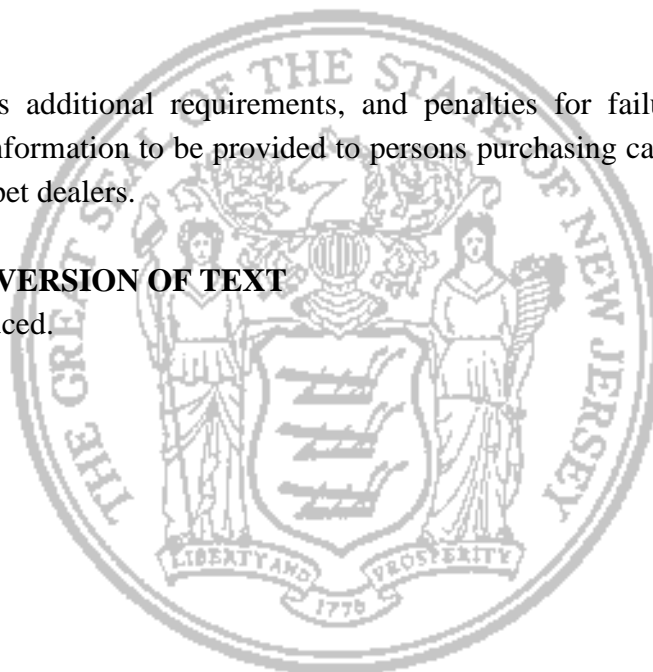
Assemblywoman Pinkin, Assemblymen Garcia and Benson

SYNOPSIS

Establishes additional requirements, and penalties for failure to comply, concerning information to be provided to persons purchasing cats or dogs from pet shops or pet dealers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/23/2014)

1 AN ACT concerning the sale of cats and dogs, and amending and
2 supplementing P.L.1999, c.336.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read
8 as follows:

9 4. a. Notwithstanding the provisions of any rule or regulation
10 adopted pursuant to Title 56 of the Revised Statutes as such
11 provisions are applied to pet shops, and without limiting the
12 prosecution of any other practices which may be unlawful pursuant
13 to Title 56 of the Revised Statutes, it shall be a deceptive practice
14 for any owner or operator of a pet shop, or employee thereof, to sell
15 animals within the State without complying with the provisions and
16 requirements of this section.

17 b. Within five days prior to the offering for sale of any animal,
18 the owner or operator of a pet shop, or employee thereof, shall have
19 the animal examined by a veterinarian licensed to practice in the
20 State. The name and address of the examining veterinarian, together
21 with the findings made and treatment, if any, ordered as a result of
22 the examination, shall be noted on the animal history and health
23 certificate for each animal as required by regulations adopted
24 pursuant to Title 56 of the Revised Statutes. If fourteen days have
25 passed since the last veterinarian examination of the animal, the
26 owner or operator of the pet shop, or employee thereof, shall have
27 the animal reexamined by a veterinarian licensed to practice in the
28 State as provided for in subsection g. of this section, except as
29 otherwise provided in that subsection.

30 c. **【Each cage in a】** Every pet shop **【shall have a label**
31 identifying the sex and breed of each animal kept in the cage, the
32 date and place of birth of each animal, and the**】** or pet dealer
33 offering cats or dogs for sale shall post on the cage or enclosure for
34 each cat or dog in the cage or enclosure, in a conspicuous location
35 on the cage or enclosure, a sign declaring:

36 (1) The date and place of birth of each cat or dog, and the actual
37 age, or approximate age as established by a veterinarian, of the cat
38 or dog;

39 (2) The sex, color markings, and other identifier information of
40 the cat or dog, including any tag, tattoo, collar number, or
41 microchip information;

42 (3) The name and address of the veterinarian attending to the
43 animal and the date of the initial examination of the animal **【.】** ;

44 (4) The first and last name of the breeder, the full street address
45 of where the breeder is doing business, the telephone number of the

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 breeder, and, if the breeder of the cat or dog is a dealer or breeder
2 licensed by the United States Department of Agriculture (USDA),
3 the breeder's USDA license number;

4 (5) The first and last name of the owner or operator of the pet
5 shop or pet dealer business, the full street address of where the pet
6 shop or pet dealer is incorporated, the telephone number of the
7 transporter or carrier of the cat or dog, if any or different from the
8 breeder named in paragraph (4) of this subsection; and

9 (6) For each cat or dog bred by a USDA licensed dealer or
10 breeder, the statement – “View the USDA inspection reports for the
11 breeder for this cat or dog by logging onto
12 <http://acissearch.aphis.usda.gov/LPASearch/faces/LPASearch>,
13 entering the last name of the breeder, state in which the breeder is
14 doing business, and USDA license number of the breeder, and press
15 search. You are also entitled to receive information about the
16 breeder's history through the federal Freedom of Information Act
17 by calling (301) 851-4102. Charges may apply.”

18 The owner or operator of the pet shop or pet dealer shall keep
19 this information up-to-date, ensure that the website and contact
20 telephone number are functioning, and make changes to the signage
21 as necessary so that the consumer has access to the correct
22 information at all times.

23 d. The owner or operator of a pet shop, or employee thereof,
24 shall quarantine any animal diagnosed as suffering from a
25 contagious or infectious disease, illness, or condition and may not
26 sell such an animal until such time as a veterinarian licensed to
27 practice in the State treats the animal and determines that such
28 animal is free of clinical signs of infectious disease or that the
29 animal is fit for sale. All animals required to be quarantined
30 pursuant to this subsection shall be placed in a quarantine area,
31 separated from the general animal population of the pet shop.

32 e. The owner or operator of a pet shop, or designated employee
33 thereof, may inoculate and vaccinate animals prior to purchase only
34 upon the order of a veterinarian. No owner or operator of a pet
35 shop, or employee thereof, may represent, directly or indirectly, that
36 the owner or operator of the pet shop, or any employee thereof,
37 other than a veterinarian, is qualified to, directly or indirectly,
38 diagnose, prognose, treat, or administer for, prescribe any treatment
39 for, operate concerning, manipulate or apply any apparatus or
40 appliance for addressing, any disease, pain, deformity, defect,
41 injury, wound or physical condition of any animal after purchase of
42 the animal, for the prevention of, or to test for, the presence of any
43 disease, pain, deformity, defect, injury, wound or physical condition
44 in an animal after its purchase. These prohibitions include, but are
45 not limited to, the giving of inoculations or vaccinations after
46 purchase, the diagnosing, prescribing and dispensing of medication
47 to animals and the prescribing of any diet or dietary supplement as

1 treatment for any disease, pain, deformity, defect, injury, wound or
2 physical condition.

3 f. The Director of the Division of Consumer Affairs in the
4 Department of Law and Public Safety shall provide each owner or
5 operator of a pet shop with notification forms, to be signed by the
6 owner or operator of the pet shop, or employee thereof, and the
7 consumer at the time of purchase of an animal. The notification
8 form shall provide the following:

9 (1) The full text of the rights and responsibilities provided for in
10 subsection h. of this section;

11 (2) The full text and description of the recourse to which the
12 consumer is entitled pursuant to subsection i. of this section;

13 (3) The statement that it is the responsibility of the consumer to
14 obtain such certification within the required amount of time
15 provided by subsection h. of this section;

16 (4) The full text of the rights and responsibilities of the owner or
17 operator of the pet shop, and the employees thereof, and the
18 consumer provided in subsection l. of this section; and

19 (5) The notification, reporting and enforcement provisions
20 provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the
21 name and address of the local health authority with jurisdiction over
22 the pet shop.

23 The owner or operator of the pet shop, or an employee thereof,
24 shall obtain the signature of the consumer on the form and shall also
25 sign the form at the time of purchase of an animal, and shall provide
26 the consumer with a signed copy of the form and retain a copy of
27 the form on the pet shop premises. Copies of all such notices shall
28 be readily available for inspection by an authorized representative
29 of the Division of Consumer Affairs, upon request. No pet shop
30 owner or operator, or employee thereof, may construe or use the
31 signed notification form required pursuant to this subsection as an
32 abdication of the right to recourse provided for in subsection i., or
33 as a selection of recourse pursuant to subsection k. of this section.

34 g. The owner or operator of a pet shop, or an employee thereof,
35 shall have any animal that has been examined more than 14 days
36 prior to the date of purchase, reexamined by a veterinarian for the
37 purpose of disclosing its condition, within 72 hours of the delivery
38 of the animal to the consumer, unless the consumer has waived the
39 right to the reexamination in writing. The owner or operator of a pet
40 shop, or an employee thereof, shall provide a copy of the written
41 waiver to the consumer prior to the signing of any contact or
42 agreement to purchase the animal and the written waiver shall be in
43 the form established by the director by regulation.

44 h. If at any time within 14 days after the sale and delivery of an
45 animal to a consumer, the animal becomes sick or dies and a
46 veterinarian certifies, within the 14 days after the date of purchase
47 of the animal by the consumer, that the animal is unfit for purchase
48 due to a non-congenital cause or condition, or that the animal died

1 from causes other than an accident, the consumer is entitled to the
2 recourse described in subsection i. of this section.

3 If the animal becomes sick or dies within 180 days after the date
4 of purchase and a veterinarian certifies, within the 180 days after
5 the date of purchase of the animal by the consumer, that the animal
6 is unfit for sale due to a congenital or hereditary cause or condition,
7 or a sickness brought on by a congenital or hereditary cause or
8 condition, or died from such a cause or condition or sickness, the
9 consumer shall be entitled to the recourse provided in subsection i.
10 of this section.

11 It shall be the responsibility of the consumer to obtain such
12 certification within the required amount of time provided by this
13 subsection, unless the owner or operator of the pet shop, or the
14 employee thereof selling the animal to the consumer, fails to
15 provide the notice required pursuant to subsection f. of this section.
16 If the owner or operator of the pet shop, or the employee thereof,
17 fails to provide the required notice, the consumer shall be entitled to
18 the recourse provided for in subsection i. of this section.

19 i. Only the consumer shall have the sole authority to determine
20 the recourse the consumer wishes to select and accept, provided that
21 the recourse selected is one of the following:

22 (1) The right to return the animal and receive a full refund of the
23 purchase price, including sales tax, plus the reimbursement of the
24 veterinary fees, including the cost of the veterinarian certification,
25 incurred prior to the receipt by the consumer of the veterinarian
26 certification;

27 (2) The right to retain the animal and to receive reimbursement
28 for veterinary fees incurred prior to the consumer's receipt of the
29 veterinarian certification, plus the future cost of veterinary fees to
30 be incurred in curing or attempting to cure the animal, including the
31 cost of the veterinarian certification;

32 (3) The right to return the animal and to receive in exchange an
33 animal of the consumer's choice, of equivalent value, plus
34 reimbursement of veterinary fees, including the cost of the
35 veterinarian certification, incurred prior to the consumer's receipt of
36 the veterinarian certification; or

37 (4) In the event of the death of the animal from causes other
38 than an accident, the right to a full refund of the purchase price of
39 the animal, including sales tax, or another animal of the consumer's
40 choice of equivalent value, plus reimbursement of veterinary fees,
41 including the cost of the veterinarian certification, incurred prior to
42 the death of the animal.

43 The consumer shall be entitled to be reimbursed an amount for
44 veterinary fees up to and including two times the purchase price,
45 including sales tax, of the sick or dead animal. No reimbursement
46 of veterinary fees shall exceed two times the purchase price,
47 including sales tax, of the sick or dead animal.

1 j. The veterinarian shall provide to the consumer in writing
2 and within the seven days after the consumer consults with the
3 veterinarian any certification that is appropriate pursuant to this
4 section upon the determination that such certification is appropriate.

5 The certification shall include:

- 6 (1) The name of the owner;
- 7 (2) The date or dates of examination;
- 8 (3) The breed, color, sex and age of the animal;
- 9 (4) A statement of the findings of the veterinarian;
- 10 (5) A statement that the veterinarian certifies the animal to be
11 "unfit for purchase";
- 12 (6) An itemized statement of veterinary fees incurred as of the
13 date of certification;
- 14 (7) If the animal may be curable, an estimate of the possible cost
15 to cure, or attempt to cure, the animal;
- 16 (8) If the animal has died, a statement establishing the probable
17 cause of death; and
- 18 (9) The name and address of the certifying veterinarian and the
19 date of the certification.

20 k. Upon the presentation of the veterinarian certification
21 required in subsection j. of this section to the pet shop, the
22 consumer shall select the recourse to be provided and the owner or
23 operator of the pet shop, or the employee thereof, shall confirm the
24 selection of recourse in writing. The confirmation of the selection
25 shall be signed by the owner or operator of the pet shop, or an
26 employee thereof, and the consumer and a copy of the signed
27 confirmation shall be given to the consumer and retained by the
28 owner or operator of the pet shop, or employee thereof, on the pet
29 shop premises. The confirmation of the selection shall be in the
30 form established by the director by regulation.

31 l. The owner or operator of the pet shop, or an employee
32 thereof, shall comply with the selection of recourse by the consumer
33 no later than 10 days after the receipt of the veterinarian
34 certification and the signed confirmation of selection of recourse
35 form. In the event the owner or operator of the pet shop, or an
36 employee thereof, wishes to contest the selection of recourse of the
37 consumer, the owner or operator of the pet shop, or an employee
38 thereof, shall notify the consumer and the director in writing within
39 the five days after the receipt of the veterinarian certification and
40 the signed confirmation of selection of recourse form. After
41 notification to the consumer and the director of the division, the
42 owner or operator of the pet shop, or an employee thereof, may
43 require the consumer to produce the animal for examination by a
44 veterinarian chosen by the owner or operator of the pet shop, or
45 employee thereof, at a mutually convenient time and place, except
46 if the animal has died and was required to be cremated for public
47 health reasons. The director shall set, upon receipt of such notice of
48 contest on the part of the owner or operator of the pet shop, or an

1 employee thereof, a hearing date and hold a hearing, pursuant to the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.) and the Uniform Administrative Procedure Rules adopted
4 pursuant thereto, to determine whether the recourse selected by the
5 consumer should be allowed. The consumer and the owner or
6 operator of the pet shop, or employee thereof, shall be entitled to
7 any appeal of the decision resulting from the hearing as may be
8 provided for under the law, or any rule or regulation adopted
9 pursuant thereto, but upon the exhaustion of such remedies and
10 recourse, the consumer and the owner or operator of the pet shop
11 shall comply with the final decision rendered.

12 m. Any owner or operator of a pet shop, or employee thereof,
13 shall be guilty of a deceptive practice if the owner or operator, or
14 employee thereof, secures or attempts to secure a waiver of any of
15 the provisions of this section except as specifically authorized under
16 subsection g. of this section.

17 n. The owner of a pet shop shall be responsible and liable for
18 any recourse or reimbursement due to a consumer because of
19 violations of any provisions of this section by the owner or operator
20 of the pet shop, or any employee thereof, or because of any
21 document signed pursuant to this section by the owner or operator
22 of the pet shop, or any employee thereof.

23 o. Any pet dealer in the State advertising for sale a cat or dog
24 bred by a USDA licensed breeder through print or electronic means,
25 including those posted on the Internet or a website, shall
26 continuously display the name, state or residence, and USDA
27 license number of the breeder of the cat or dog in the advertisement
28 so that this information is easily legible to the consumer.

29 (cf: P.L.1999, c.336, s.4)

30

31 2. (New section) Any person violating subsection c. of section
32 4 of P.L.1999, c.336 (C.56:8-95) shall be subject to a fine of \$500
33 for each violation, to be collected by the division in a civil action by
34 a summary proceeding under the "Penalty Enforcement Law of
35 1999," P.L.1999, c.274 (C.2A:58-10 et seq).

36

37 3. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 The bill establishes additional requirements under the "Pet
43 Purchase Protection Act" to provide breeder information to the
44 consumer about each cat or dog being offered for sale. The bill
45 requires this information to be posted on each cage or enclosure in a
46 pet shop or pet dealer premises and in Internet and print
47 advertisements. The bill also requires the posting of directions for
48 accessing electronically the United States Department of

A3306 MCGUCKIN, WOLFE

8

- 1 Agriculture (USDA) inspection reports for breeders licensed by the
- 2 USDA. The bill establishes a \$500 penalty for failure to comply
- 3 with these requirements.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3306

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 22, 2014

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 3306.

As amended, the bill establishes additional requirements under the “Pet Purchase Protection Act” to provide breeder information to the consumer about each cat or dog being offered for sale in a pet shop. The bill requires this information to be posted on each cage or enclosure in a pet shop and in Internet and print advertisements. The “Pet Purchase Protection Act” defines “animal” as a cat or a dog and therefore the term “animal” refers to cats or dogs throughout the bill.

More specifically, the bill requires the posting of the United States Department of Agriculture (USDA) inspection reports for the breeder and the broker of the animal for the prior two years, and the statement: “View the USDA inspection reports for the breeder for this animal and any broker that sold this animal to this pet shop by contacting the USDA through the Internet. You are also entitled to receive information about the breeder’s or broker’s history through the federal Freedom of Information Act. Charges may apply.” Under the bill as amended, the owner or operator of the pet shop is also required to keep this information up-to-date, ensure that the appropriate website and contact telephone number are functioning, post the current website and telephone number, and make changes to the signage as necessary so that the consumer has access to the correct information at all times.

The bill further prohibits any pet shop from selling or offering for sale, or purchasing for resale, any animal purchased from any breeder or broker to whom specific items enumerated under subsection a. of section 3 of the bill apply. However, the bill, as amended, provides that this prohibition does not affect the pet shop buying, selling, or offering for adoption any animal from, or transferring any animal to or from, publicly operated animal control facilities, animal rescue organizations or pounds, or shelters that are tax exempt organizations with the primary mission and practice of placing abandoned, unwanted, neglected, or abused animals.

Furthermore, the bill requires each pet shop to report annually no later than May 1 certain information concerning the purchase of animals by the pet shop and the breeders and brokers it deals with, as enumerated in subsection c. of section 3 of the bill. Finally, the bill specifies that additional local restrictions on pet shops or pet sales may be imposed and enforced locally, and the bill establishes a \$500 penalty for failure to comply with the requirements and prohibitions established under the bill.

As amended, the bill is identical to Senate Bill No. 1870 (1R) of 2014-15 as also reported by the committee.

COMMITTEE AMENDMENTS

The committee amendments:

1) require posting on each animal's cage or enclosure the last two USDA inspection reports for the breeder and the broker of the animal;

2) delete the reference to the specific website and instructions on accessing it;

3) require the owner or operator of the pet shop to post a website, ensure it is working, and keep signage current for consumers;

4) require the owner or operator of the pet shop to attest to the consumer that, at the time the pet shop purchased the animal from the breeder or broker, the breeder and broker of the animal were in compliance with State requirements for maintenance and care of animals and the sanitary operation of kennels, pet shops, shelters and pounds;

5) prohibit any pet shop to sell, offer for sale, or purchase for resale an animal from a breeder or broker who –

a) is not in compliance at the time of purchase of the animal by the pet shop with the State requirements enumerated in 4) above;

b) is not in possession of a current license issued by the USDA or by any applicable state agency;

c) has been cited on a USDA inspection report for a direct violation of the federal "Animal Welfare Act," or the corresponding federal animal welfare regulations, during the two-year period prior to the purchase of the animal by the pet shop;

d) has been cited on a USDA inspection report during the two-year period prior to the purchase of the animal by the pet shop for three or more indirect violations of that federal law, not including administrative indirect violations;

e) is cited on the two most recent USDA inspection reports prior to the purchase of the animal by the pet shop for no-access violations pursuant to enforcement of that federal law; or

f) directly or indirectly obtained an animal from a breeder, broker, or other person, firm, corporation, or organization to whom any of the stipulations of a) through e) apply;

6) exempts from the prohibition buying, selling, or offering for adoption animals from, or transferring animals to or from, publicly

operated animal control facilities, animal rescue organizations, pounds, or shelters whose primary mission and practice is the placement of abandoned, unwanted, neglected or abused animals and are also federal tax exempt organizations;

7) require each pet shop to annually report the name, address, telephone number, and USDA license number of the breeder of each animal offered for sale by the pet shop, any broker from whom the pet shop purchased an animal, and each person, firm, corporation, or organization who purchased or sold for the purposes of resale each animal offered for sale by the pet shop in the lifetime of the cat or dog;

8) require each pet shop to annually report the total number of animals purchased from each breeder and broker;

9) specify that the bill does not prevent additional local restrictions on pet shops or pet sales from being imposed and enforced locally; and

10) make technical corrections to the bill.

ASSEMBLY SUBSTITUTE FOR
ASSEMBLY, No. 3306

STATE OF NEW JERSEY
216th LEGISLATURE

ADOPTED DECEMBER 15, 2014

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman SEAN T. KEAN

District 30 (Monmouth and Ocean)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

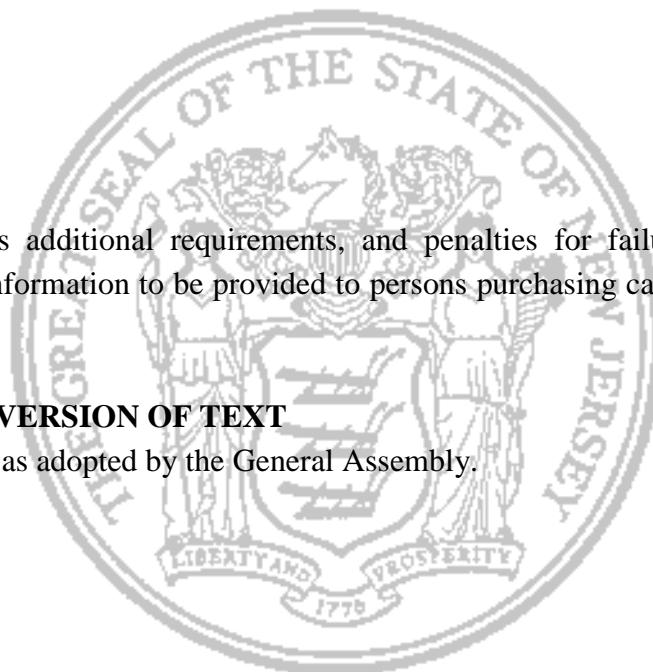
**Assemblywoman Pinkin, Assemblymen Garcia, Benson, Eustace and
Assemblywoman Rodriguez-Gregg**

SYNOPSIS

Establishes additional requirements, and penalties for failure to comply, concerning information to be provided to persons purchasing cats or dogs from pet shops.

CURRENT VERSION OF TEXT

Substitute as adopted by the General Assembly.



1 AN ACT concerning the sale of cats and dogs, and amending and
2 supplementing P.L.1999, c.336.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1999, c.336 (C.56:8-93) is amended to read
8 as follows:

9 2. As used in **[sections 1 through 5 of this act]** P.L.1999, c.336
10 (C.56:8-92 et al.):

11 "Animal" means a cat or dog **[;]**.

12 "Breeder" means any person, firm, corporation, or organization
13 in the business of breeding cats or dogs.

14 "Broker" means any person, firm, corporation, or organization
15 who sells a cat or dog to a pet shop, whether or not the broker is
16 also the breeder of the cat or dog.

17 "Consumer" means a person purchasing a cat or dog **[;]** not for
18 the purposes of resale.

19 "Director" means the Director of the Division of Consumer
20 Affairs in the Department of Law and Public Safety **[;]**.

21 "Division" means the Division of Consumer Affairs in the
22 Department of Law and Public Safety **[;]**.

23 "Pet dealer" means any person engaged in the ordinary course of
24 business in the sale of cats or dogs to the public for profit or any
25 person who sells or offers for sale more than five cats or dogs in
26 one year **[;]**.

27 "Pet shop" means a pet shop as defined in section 1 of P.L.1941,
28 c.151 (C.4:19-15.1) **[;]**.

29 "Quarantine" means to hold in segregation from the general
30 population any cat or dog because of the presence or suspected
31 presence of a contagious or infectious disease **[;]**.

32 "Unfit for purchase" means any disease, deformity, injury,
33 physical condition, illness or defect which is congenital or
34 hereditary and severely affects the health of the animal, or which
35 was manifest, capable of diagnosis or likely contracted on or before
36 the sale and delivery of the animal to the consumer. The death of
37 an animal within 14 days of its delivery to the consumer, except by
38 death by accident or as a result of injuries sustained during that
39 period, shall mean the animal was unfit for purchase **[; and]**.

40 "USDA" means the United States Department of Agriculture.

41 "USDA license number" means the license number issued to a
42 breeder or broker by the United States Department of Agriculture
43 pursuant to the federal "Animal Welfare Act," 7 U.S.C.s.2131 et
44 seq., or any rules or regulations adopted pursuant thereto.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Veterinarian" means a veterinarian licensed to practice in the
2 State of New Jersey.
3 (cf: P.L.1999, c.336, s.2)
4

5 2. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read
6 as follows:

7 4. a. Notwithstanding the provisions of any rule or regulation
8 adopted pursuant to Title 56 of the Revised Statutes as such
9 provisions are applied to pet shops, and without limiting the
10 prosecution of any other practices which may be unlawful pursuant
11 to Title 56 of the Revised Statutes, it shall be a deceptive practice
12 for any owner or operator of a pet shop, or employee thereof, to sell
13 animals within the State without complying with the provisions and
14 requirements of this section and section 3 of P.L. , c. (C.)
15 (pending before the Legislature as this bill) .

16 b. Within five days prior to the offering for sale of any animal,
17 the owner or operator of a pet shop, or employee thereof, shall have
18 the animal examined by a veterinarian licensed to practice in the
19 State. The name and address of the examining veterinarian,
20 together with the findings made and treatment, if any, ordered as a
21 result of the examination, shall be noted on the animal history and
22 health certificate for each animal as required by regulations adopted
23 pursuant to Title 56 of the Revised Statutes. If **fourteen** 14 days
24 have passed since the last veterinarian examination of the animal,
25 the owner or operator of the pet shop, or employee thereof, shall
26 have the animal reexamined by a veterinarian licensed to practice in
27 the State as provided for in subsection g. of this section, except as
28 otherwise provided in that subsection.

29 c. **Each cage in a** Every pet shop **shall have a label**
30 identifying the sex and breed of each animal kept in the cage, the
31 date and place of birth of each animal, and the **offering animals for**
32 **sale shall post, in a conspicuous location on the cage or enclosure**
33 **for each animal in the cage or enclosure, a sign declaring:**

34 (1) The date and place of birth of each animal, and the actual
35 age, or approximate age as established by a veterinarian, of the
36 animal;

37 (2) The sex, color markings, and other identifying information
38 of the animal, including any tag, tattoo, collar number, or microchip
39 information;

40 (3) The name and address of the veterinarian attending to the
41 animal while the animal is in the custody of the pet shop, and the
42 date of the initial examination of the animal ;

43 (4) The first and last name of the breeder of the animal, the full
44 street address of where the breeder is doing business, an email
45 address, if available, by which to contact the breeder, the breeder's
46 USDA license number, and, if the breeder is required to be licensed

1 in the state in which the breeder is located, the breeder's state
2 license number;

3 (5) If the broker is different from the breeder, the first and last
4 name of the broker of the animal, the full street address of where
5 the broker is doing business, an email address, if available, by
6 which to contact the broker, the USDA license number of the
7 broker, and, if the broker is required to be licensed in the state in
8 which the broker is located, the broker's state license number; and

9 (6) The statement "Know Your Rights" in bold type face and no
10 less than 12 point type, followed by the statement in no less than 10
11 point type, "State law requires that every pet shop offering cats or
12 dogs for sale post in a conspicuous location on or near each cat or
13 dog's cage or enclosure the USDA inspection reports for the
14 breeder and broker of each cat or dog for the two years prior to the
15 first day that the cat or dog is offered for sale. If you do not see a
16 required inspection report, please request the report from the pet
17 shop. If you have any concerns, please contact the New Jersey
18 Division of Consumer Affairs, 124 Halsey St., Newark, NJ 07102,
19 (973) 504-6200. You may also view these and other USDA
20 inspection reports for the breeder and broker of each cat or dog on
21 the USDA Animal and Plant Health Inspection Service (APHIS)
22 website. You are entitled to receive additional information from
23 APHIS about the breeder's or broker's history through the federal
24 Freedom of Information Act."

25 Every pet shop offering animals for sale shall also post, in a
26 conspicuous location on or near the cage or enclosure for each
27 animal in the cage or enclosure, the USDA inspection reports for
28 the breeder and the broker of the animal for the two years prior to
29 the first day that the animal is offered for sale by the pet shop.

30 The owner or operator of the pet shop shall regularly update the
31 information required to be posted pursuant to this subsection and
32 make changes as necessary to all signage required by this
33 subsection so that the public has access to the correct information at
34 all times .

35 d. The owner or operator of a pet shop, or employee thereof,
36 shall quarantine any animal diagnosed as suffering from a
37 contagious or infectious disease, illness, or condition and may not
38 sell such an animal until such time as a veterinarian licensed to
39 practice in the State treats the animal and determines that such
40 animal is free of clinical signs of infectious disease or that the
41 animal is fit for sale. All animals required to be quarantined
42 pursuant to this subsection shall be placed in a quarantine area,
43 separated from the general animal population of the pet shop.

44 e. The owner or operator of a pet shop, or designated employee
45 thereof, may inoculate and vaccinate animals prior to purchase only
46 upon the order of a veterinarian. No owner or operator of a pet
47 shop, or employee thereof, may represent, directly or indirectly, that

1 the owner or operator of the pet shop, or any employee thereof,
2 other than a veterinarian, is qualified to, directly or indirectly,
3 diagnose, prognose, treat, or administer for, prescribe any treatment
4 for, operate concerning, manipulate or apply any apparatus or
5 appliance for addressing, any disease, pain, deformity, defect,
6 injury, wound, or physical condition of any animal after purchase
7 of the animal, for the prevention of, or to test for, the presence of
8 any disease, pain, deformity, defect, injury, wound, or physical
9 condition in an animal after its purchase. These prohibitions
10 include, but are not limited to, the giving of inoculations or
11 vaccinations after purchase, the diagnosing, prescribing, and
12 dispensing of medication to animals, and the prescribing of any diet
13 or dietary supplement as treatment for any disease, pain, deformity,
14 defect, injury, wound, or physical condition.

15 f. The Director of the Division of Consumer Affairs in the
16 Department of Law and Public Safety shall provide each owner or
17 operator of a pet shop with notification forms, to be signed by the
18 owner or operator of the pet shop, or employee thereof, and the
19 consumer at the time of purchase of an animal. The notification
20 form shall provide the following:

21 (1) The full text of the rights and responsibilities provided for in
22 subsection h. of this section;

23 (2) The full text and description of the recourse to which the
24 consumer is entitled pursuant to subsection i. of this section;

25 (3) The statement that it is the responsibility of the consumer to
26 obtain such certification within the required amount of time
27 provided by subsection h. of this section;

28 (4) The full text of the rights and responsibilities of the owner or
29 operator of the pet shop, and the employees thereof, and the
30 consumer provided in subsection l. of this section; **[and]**

31 (5) The notification, reporting and enforcement provisions
32 provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the
33 name and address of the local health authority with jurisdiction over
34 the pet shop;

35 (6) The name, full street address, email address, if available, and
36 USDA license number of the breeder of the animal and the broker
37 of the animal, if the broker is different from the breeder;

38 (7) The breeder's state license number, if the breeder is required
39 to be licensed in the state in which the breeder is located, and, if the
40 broker is different from the breeder and the broker is required to be
41 licensed in the state in which the broker is located, the broker's
42 state license number; and

43 (8) An attestation by the owner or operator of the pet shop that,
44 as of the date of purchase of the animal by the pet shop, which shall
45 be specified in the attestation, the breeder and the broker of the
46 animal were in compliance with the requirements concerning the
47 maintenance and care of animals and the sanitary operation of

1 kennels, pet shops, shelters and pounds established in rules and
2 regulations adopted pursuant to section 14 of P.L.1941, c.151
3 (C.4:19-15.14), as required pursuant to section 3 of P.L. ,
4 c. (C.) (pending before the Legislature as this bill).

5 The owner or operator of the pet shop, or an employee thereof,
6 shall obtain the signature of the consumer on the form and shall also
7 sign and date the form at the time of purchase of an animal by the
8 consumer, and shall provide the consumer with a signed copy of the
9 form and retain a copy of the form on the pet shop premises.
10 Copies of all such notices shall be readily available for inspection
11 by an authorized representative of the Division of Consumer
12 Affairs, upon request. No pet shop owner or operator, or employee
13 thereof, may construe or use the signed notification form required
14 pursuant to this subsection as an abdication of the right to recourse
15 provided for in subsection i., or as a selection of recourse pursuant
16 to subsection k. of this section.

17 g. The owner or operator of a pet shop, or an employee thereof,
18 shall have any animal that has been examined more than 14 days
19 prior to the date of purchase, reexamined by a veterinarian for the
20 purpose of disclosing its condition, within 72 hours of the delivery
21 of the animal to the consumer, unless the consumer has waived the
22 right to the reexamination in writing. The owner or operator of a pet
23 shop, or an employee thereof, shall provide a copy of the written
24 waiver to the consumer prior to the signing of any **[contact]**
25 contract or agreement to purchase the animal and the written waiver
26 shall be in the form established by the director by regulation.

27 h. If at any time within 14 days after the sale and delivery of an
28 animal to a consumer, the animal becomes sick or dies and a
29 veterinarian certifies, within the 14 days after the date of purchase
30 of the animal by the consumer, that the animal is unfit for purchase
31 due to a non-congenital cause or condition, or that the animal died
32 from causes other than an accident, the consumer is entitled to the
33 recourse described in subsection i. of this section.

34 If the animal becomes sick or dies within 180 days after the date
35 of purchase and a veterinarian certifies, within the 180 days after
36 the date of purchase of the animal by the consumer, that the animal
37 is unfit for sale due to a congenital or hereditary cause or condition,
38 or a sickness brought on by a congenital or hereditary cause or
39 condition, or died from such a cause or condition or sickness, the
40 consumer shall be entitled to the recourse provided in subsection i.
41 of this section.

42 It shall be the responsibility of the consumer to obtain such
43 certification within the required amount of time provided by this
44 subsection, unless the owner or operator of the pet shop, or the
45 employee thereof selling the animal to the consumer, fails to
46 provide the notice required pursuant to subsection f. of this section.
47 If the owner or operator of the pet shop, or the employee thereof,

1 fails to provide the required notice, the consumer shall be entitled to
2 the recourse provided for in subsection i. of this section.

3 i. Only the consumer shall have the sole authority to determine
4 the recourse the consumer wishes to select and accept, provided that
5 the recourse selected is one of the following:

6 (1) The right to return the animal and receive a full refund of the
7 purchase price, including sales tax, plus the reimbursement of the
8 veterinary fees, including the cost of the veterinarian certification,
9 incurred prior to the receipt by the consumer of the veterinarian
10 certification;

11 (2) The right to retain the animal and to receive reimbursement
12 for veterinary fees incurred prior to the consumer's receipt of the
13 veterinarian certification, plus the future cost of veterinary fees to
14 be incurred in curing or attempting to cure the animal, including the
15 cost of the veterinarian certification;

16 (3) The right to return the animal and to receive in exchange an
17 animal of the consumer's choice, of equivalent value, plus
18 reimbursement of veterinary fees, including the cost of the
19 veterinarian certification, incurred prior to the consumer's receipt of
20 the veterinarian certification; or

21 (4) In the event of the death of the animal from causes other
22 than an accident, the right to a full refund of the purchase price of
23 the animal, including sales tax, or another animal of the consumer's
24 choice of equivalent value, plus reimbursement of veterinary fees,
25 including the cost of the veterinarian certification, incurred prior to
26 the death of the animal.

27 The consumer shall be entitled to be reimbursed an amount for
28 veterinary fees up to and including two times the purchase price,
29 including sales tax, of the sick or dead animal. No reimbursement
30 of veterinary fees shall exceed two times the purchase price,
31 including sales tax, of the sick or dead animal.

32 j. The veterinarian shall provide to the consumer in writing
33 and within the seven days after the consumer consults with the
34 veterinarian any certification that is appropriate pursuant to this
35 section upon the determination that such certification is appropriate.

36 The certification shall include:

37 (1) The name of the owner;

38 (2) The date or dates of examination;

39 (3) The breed, color, sex, and age of the animal;

40 (4) A statement of the findings of the veterinarian;

41 (5) A statement that the veterinarian certifies the animal to be
42 "unfit for purchase";

43 (6) An itemized statement of veterinary fees incurred as of the
44 date of certification;

45 (7) If the animal may be curable, an estimate of the possible cost
46 to cure, or attempt to cure, the animal;

1 (8) If the animal has died, a statement establishing the probable
2 cause of death; and

3 (9) The name and address of the certifying veterinarian and the
4 date of the certification.

5 k. Upon the presentation of the veterinarian certification
6 required in subsection j. of this section to the pet shop, the
7 consumer shall select the recourse to be provided and the owner or
8 operator of the pet shop, or the employee thereof, shall confirm the
9 selection of recourse in writing. The confirmation of the selection
10 shall be signed by the owner or operator of the pet shop, or an
11 employee thereof, and the consumer and a copy of the signed
12 confirmation shall be given to the consumer and retained by the
13 owner or operator of the pet shop, or employee thereof, on the pet
14 shop premises. The confirmation of the selection shall be in the
15 form established by the director by regulation.

16 l. The owner or operator of the pet shop, or an employee
17 thereof, shall comply with the selection of recourse by the consumer
18 no later than 10 days after the receipt of the veterinarian
19 certification and the signed confirmation of selection of recourse
20 form. In the event the owner or operator of the pet shop, or an
21 employee thereof, wishes to contest the selection of recourse of the
22 consumer, the owner or operator of the pet shop, or an employee
23 thereof, shall notify the consumer and the director in writing within
24 the five days after the receipt of the veterinarian certification and
25 the signed confirmation of selection of recourse form. After
26 notification to the consumer and the director of the division, the
27 owner or operator of the pet shop, or an employee thereof, may
28 require the consumer to produce the animal for examination by a
29 veterinarian chosen by the owner or operator of the pet shop, or
30 employee thereof, at a mutually convenient time and place, except
31 if the animal has died and was required to be cremated for public
32 health reasons. The director shall set, upon receipt of such notice of
33 contest on the part of the owner or operator of the pet shop, or an
34 employee thereof, a hearing date and hold a hearing, pursuant to the
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
36 seq.) and the Uniform Administrative Procedure Rules adopted
37 pursuant thereto, to determine whether the recourse selected by the
38 consumer should be allowed. The consumer and the owner or
39 operator of the pet shop, or employee thereof, shall be entitled to
40 any appeal of the decision resulting from the hearing as may be
41 provided for under the law, or any rule or regulation adopted
42 pursuant thereto, but upon the exhaustion of such remedies and
43 recourse, the consumer and the owner or operator of the pet shop
44 shall comply with the final decision rendered.

45 m. Any owner or operator of a pet shop, or employee thereof,
46 shall be guilty of a deceptive practice if the owner or operator, or
47 employee thereof, secures or attempts to secure a waiver of any of

1 the provisions of this section except as specifically authorized under
2 subsection g. of this section.

3 n. The owner of a pet shop shall be responsible and liable for
4 any recourse or reimbursement due to a consumer because of
5 violations of any provisions of this section by the owner or operator
6 of the pet shop, or any employee thereof, or because of any
7 document signed pursuant to this section by the owner or operator
8 of the pet shop, or any employee thereof.

9 o. Any pet shop in the State advertising for sale an animal bred
10 by a USDA licensed breeder through print or electronic means,
11 including those posted on the Internet or a website, shall
12 continuously display the name, state of residence, and USDA
13 license number of the breeder of the animal in the advertisement so
14 that this information is easily legible to the consumer.

15 (cf: P.L.1999, c.336, s.4)

16

17 3. (New section) a. No pet shop shall sell or offer for sale, or
18 purchase for resale whether or not actually offered for sale by the
19 pet shop, any animal purchased from any breeder or broker who:

20 (1) is not in compliance with the requirements concerning the
21 maintenance and care of animals and the sanitary operation of
22 kennels, pet shops, shelters and pounds established in rules and
23 regulations adopted pursuant to section 14 of P.L.1941, c.151
24 (C.4:19-15.14) at the time of purchase of the animal by the pet
25 shop;

26 (2) is not in possession of a current license issued by the USDA
27 pursuant to 9 C.F.R. s.1.1 et seq.;

28 (3) is not in possession of all other licenses required for a
29 breeder or broker by the state in which the breeder or broker is
30 located;

31 (4) has been cited on a USDA inspection report for a direct
32 violation of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et
33 seq., or the corresponding federal animal welfare regulations at 9
34 C.F.R. s.1.1 et seq., during the two-year period prior to the purchase
35 of the animal by the pet shop;

36 (5) has been cited on a USDA inspection report during the two-
37 year period prior to the purchase of the animal by the pet shop for
38 three or more indirect violations of the federal "Animal Welfare
39 Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal
40 welfare regulations at sections 2.4, 2.40, 2.50 through 2.55, 2.60,
41 2.75 through 2.80, 2.130 through 2.132, 3.1 through 3.19, or 3.125
42 through 3.142 of Title 9 of the Code of Federal Regulations;

43 (6) is cited on the two most recent USDA inspection reports
44 prior to the purchase of the animal by the pet shop for no-access
45 violations pursuant to enforcement of the federal "Animal Welfare
46 Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal
47 welfare regulations at 9 C.F.R. s.1.1 et seq.; or

1 (7) directly or indirectly obtained the animal from a breeder,
2 broker, or other person, firm, corporation, or organization to whom
3 paragraph (1), (2), (3), (4), (5), or (6) of this subsection applies.

4 b. Nothing in this subsection shall be construed as prohibiting
5 or otherwise preventing a pet shop from:

6 (1) purchasing for resale or adoption, selling, or offering for
7 adoption, an animal purchased or otherwise obtained from –

8 (a) a publicly operated animal control facility,

9 (b) an animal rescue organization or pound as defined in section
10 1 of P.L.1941, c.151 (C.4:19-15.1), or

11 (c) a shelter as defined in section 1 of P.L.1941, c.151 (C.4:19-
12 15.1) whose primary mission and practice is the placement of
13 abandoned, unwanted, neglected, or abused animals and that is also
14 a tax exempt organization under paragraph (3) of subsection (c) of
15 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),
16 or any subsequent corresponding sections of the federal Internal
17 Revenue Code, as from time to time amended; or

18 (2) transferring adopted animals to or from any entity
19 enumerated in paragraph (1) of this subsection or to or from any pet
20 shop.

21 c. Every pet shop shall submit, annually and no later than May
22 1 of each year, a report to the municipality in which it is located and
23 licensed, providing:

24 (1) the name, full street address, email address, if available, and
25 USDA license number of –

26 (a) any breeder from which the pet shop purchased an animal,
27 whether or not the pet shop offered the animal for sale,

28 (b) any breeder that bred an animal that the pet shop purchased
29 from a broker, whether or not the pet shop offered the animal for
30 sale, and

31 (c) any broker from which the pet shop purchased an animal,
32 whether or not the pet shop offered the animal for sale;

33 (2) if a breeder whose identity the pet shop is required to report
34 pursuant to subparagraph (a) or (b) of paragraph (1) of this
35 subsection is required to be licensed in the state in which the
36 breeder is located, the breeder's state license number;

37 (3) if a broker whose identity the pet shop is required to report
38 pursuant to subparagraph (c) of paragraph (1) of this subsection is
39 different from any breeder whose identity the pet shop is required to
40 report pursuant to subparagraphs (a) or (b) of paragraph (1) of this
41 subsection, and the broker is required to be licensed in the state in
42 which the broker is located, the broker's state license number; and

43 (4) the total number of animals for each breeder and broker for
44 which the pet shop has reporting requirements pursuant to
45 subparagraphs (a), (b), and (c) of paragraph (1) of this subsection.

1 4. (New section) No provision of P.L. , c. (C.) (pending
2 before the Legislature as this bill) shall be construed to limit or
3 restrict any municipality, county, local health agency, or municipal
4 or county board of health from enacting or enforcing, or interfere
5 with the implementation of, or otherwise invalidate, any law,
6 ordinance, rule, or regulation that places additional obligations on
7 pet shops or restrictions on pet shops or pet shop sales.

8
9 5. (New section) Any person who violates subsection c. of
10 section 4 of P.L.1999, c.336 (C.56:8-95) or section 3 of P.L. ,
11 c. (C.) (pending before the Legislature as this bill), and any
12 owner or operator who fails to provide information or provides false
13 information pursuant to the requirements of subsection f. of section
14 4 of P.L.1999, c.336 (C.56:8-95), shall be subject to a fine of \$500
15 for each violation, to be collected by the division in a civil action by
16 a summary proceeding under the “Penalty Enforcement Law of
17 1999,” P.L.1999, c.274 (C.2A:58-10 et seq).

18
19 6. This act shall take effect on the first day of the fourth month
20 following the date of enactment.

21
22
23 STATEMENT
24

25 This floor substitute establishes additional requirements under
26 the “Pet Purchase Protection Act” to provide breeder and broker
27 information to the consumer about each cat or dog being offered for
28 sale in a pet shop. The floor substitute requires this information to
29 be posted on each cage or enclosure in a pet shop and in Internet
30 and print advertisements. The “Pet Purchase Protection Act”
31 defines “animal” as a cat or a dog and therefore the term “animal”
32 refers to cats or dogs throughout the floor substitute.

33 More specifically, the floor substitute requires the posting of the
34 United States Department of Agriculture (USDA) inspection reports
35 for the breeder and the broker of the animal for the prior two years,
36 specific information for the breeder and broker as specified in
37 section 4 of the “Pet Purchase Protection Act,” and the statement
38 “Know Your Rights” in bold type face and no less than 12 point
39 type, followed by the statement in no less than 10 point type:

40 “State law requires that every pet shop offering cats or dogs for
41 sale post in a conspicuous location on or near each cat or dog’s cage
42 or enclosure the USDA inspection reports for the breeder and
43 broker of each cat or dog for the two years prior to the first day that
44 the cat or dog is offered for sale. If you do not see a required
45 inspection report, please request the report from the pet shop. If you
46 have any concerns, please contact the New Jersey Division of
47 Consumer Affairs, 124 Halsey St., Newark, NJ 07102, (973) 504-

1 6200. You may also view these and other USDA inspection reports
2 for the breeder and broker of each cat or dog on the USDA Animal
3 and Plant Health Inspection Service (APHIS) website. You are
4 entitled to receive additional information from APHIS about the
5 breeder's or broker's history through the federal Freedom of
6 Information Act.”

7 The floor substitute further prohibits any pet shop from selling or
8 offering for sale, or purchasing for resale, any animal purchased
9 from any breeder or broker to whom specific items enumerated
10 under subsection a. of section 3 of the floor substitute apply.
11 However, the floor substitute provides that this prohibition does not
12 affect the pet shop buying, selling, or offering for adoption any
13 animal from, or transferring any animal to or from, publicly
14 operated animal control facilities, animal rescue organizations or
15 pounds, or shelters that are tax exempt organizations with the
16 primary mission and practice of placing abandoned, unwanted,
17 neglected, or abused animals.

18 Furthermore, the floor substitute requires each pet shop to report
19 annually no later than May 1 certain information concerning the
20 purchase of animals by the pet shop and the breeders and brokers it
21 deals with, as enumerated in subsection c. of section 3 of the floor
22 substitute.

23 Finally, the floor substitute specifies that additional local
24 restrictions on pet shops or pet shop sales may be imposed and
25 enforced locally, and the floor substitute establishes a \$500 penalty
26 for failure to comply with the requirements and prohibitions
27 established under the floor substitute and failure to provide
28 information or providing false information pursuant to subsection f.
29 of section 4 of the “Pet Purchase Protection Act.”

America's News

CHRISTIE SIGNS LAW THAT AIMS TO COMBAT KITTEN, PUPPY MILLS

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trenton

Pet stores in New Jersey will soon be required to give customers a better idea of where the puppies and kittens they are selling come from.

Gov. Chris Christie on Thursday signed legislation that is intended to combat "puppy mills," or large-scale breeders that emphasize profit over animal welfare.

The bill (S1870) would require every pet store selling cats and dogs to post information about their breeders and brokers on their enclosures, including names and addresses, and make available the last two years of their U.S. Agriculture Department inspection reports.

Pet shops would also be banned from selling cats and dogs from breeders who are not in compliance with New Jersey's requirements on the care of animals, or who have been cited by the USDA for a violation of the "Animal Welfare Act."

"This new law is critical to our continued effort to end the inhumane treatment of dogs in commercial breeding facilities that exploit both dogs and consumers in pursuit of profit, Debora Bresch, senior director of ASPCA Government Relations for the Mid-Atlantic region, said in a statement.

The bill, which breezed through the Legislature without opposition, was championed by Bruce Springsteen's daughter in a letter to Christie.

Stores face \$500 fines for each violation of the new law, which takes effect in the summer.

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